

¶ Magna Charta cum
statutis, tum antiquis, tum
recentibus, maximopere,
animo tenendis, nunc demum
ad vnum, tipis ædita,
per Richardum
Tottill.
(.°.)

Anno Domini 1587.

Cum Priuilegio ad impri-
mendum solum.

16

1787

1788

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1802

To the Reader.



He former booke intituled Magna Charta, did containe diuers old statuts, laws, and other things, although good, not verie necessarye to be had in one so portable a volume, and the same confusellie and not orderly digested, and in many places (for want of perfect copies) very faulty. This containeth the most necessarye of those olde Statutes, and diuers later and newe Statutes most conuenient to bee had, perfect and ready, not onely by all Studentes of the law for their priuate studies, readings, mootes, bolts, cases, and other exercises: but also by the practises of the same for their daily affaires & causes, which statutes be those that are contained in the table next following: wherein the statutes which this booke containeth, are in such order as they be placed in this book. The

J.ij.

other

To the Reader.

other table doth containe the titles in order of Alphabet, wherein the statutes in this booke contained, are collected, in the collection of statutes compiled by Maister *Rastall*: which titles, are set in this booke, ouer euery such part of the said statutes, as are in that collection, and thereunto is added the number, at the which the same is to bee found in the collection. The wordes contained betwene the two markes, which sometimes ye shall finde in the booke, doe shew what is corrected or added to the statutes more then was before imprinted, the corrections whereof, are to be warranted by diuers auncient coppies which haue bene carefully conferred for the same purpose,

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Magna Charta edita

An. nono Henrici tertij.



Dward⁹ Dei
gratia, Rex An-
glie, Dñs Hiber-
bern, & dux A-
quitaniae archie-
piscopis episcop,
abbatibus, prio-
ribus, com, baro-
nib, Iustic, vic,
ppositis, ministr,

& omnibus balliuis & fidelibus suis salutē.
Inspeximus magnam Chartam dñi H. quō-
dam regis Anglię patris nři de libertatibus
Anglię in hæc verba.

¶ Henricus dei gratia Rex Anglię Dominus
Hibern, dux Normā & Aquitaniae, & Co-
mes Andeg. Archiepis, episcopis, abbatibus,
prioribus, comitibus, baronibus, vic, ppositis,
ministr, & omnibus balliuis, & fidelibus suis
pntem Chartam inspecturis salutem. Sciatis
quod nos intuitu dei, & p salute anime nře,
& animarum antecessorum, & successorum
nōstrorum, ad exaltationem sancte ecclesie, &
emendationem regni nostri, spōtanea & bo-
na voluntate nostra, dedimus & concessimus
Archiepis, epis, abbatibus, prioribus, com, ba-
ronibus, & omnibus liberis de regno nřo has
libertates subscriptē, tenendas in regno nostro
Angli in perpetuum.

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¶ *Fraunchises. 1. cap. 1.*

¶ In primis concessimus deo, & hac presenti Charta nostra confirmauimus p nobis & hered' nostris imperpetuum, qd' ecclesia Anglicana libera sit, & habeat omnia iura sua integra, & libertates suas illæfas. Cōcessimus etiam & dedimus omnibus liberis hominibus regni nostri, pro nobis & heredibus nostris, in perpetuum has libertates subscriptæ, tenēd' & habend' eis & hered' suis de nobis & heredibus nostris in perpetuum.

¶ *Reliefe. 1. cap. 2.*

¶ Si quis com, vel baronum nostrorum, siue aliorum tenentium de nobis in capite per seruitium militari, mortuus fuerit, & cum decesserit, heres eius plene ætatis fuerit, & releuium nobis debeat, habeat hereditatem suam p antiquū releuiū, scz heres vel heredes comitis, de com' integro, per centum libras, heres vel heredes baronis de baronia integra, p cētū marcas, heres vel heredes militis, de feod' mill' integro, per centum solidos ad plus. Et qui minus habuerit, minus det, secundum antiquam consuetudinem feodorum.

¶ *U'ardes. 1. cap. 3.*

¶ Si autem heres alicuius talium fuerit infirmitatem, dominus eius non habeat custodiam eius, nec terræ suæ, antequam homagium ceperit. Et postquā talis heres fuerit in custodia, cū ad ætatem peruenerit (scilicet xxj. annorū) habeat hereditatem suam sine releuio, & sine fine, ita tamen quod si ipse (dum infra ætatem fuerit) fiat miles, nihilominus tē remaneat in custodia

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custodia dominorum suorum, vsq; ad terminum prædictum.

Uuast 1 cap. 4.

¶ Custos terræ huiusmodi heredis, qui infra etatem fuerit, non capiat de terra heredis, nisi rationabiles exitus, & rationabiles consuetudines, & rationabilia seruitia, & hoc sine destructione & vasto hominum & rerum. Et si nos commiserimus custodiā alicuius talis terræ vic' vel alicui alij, qui de exitibus terræ illius nobis debeat respondere, & ille de custodia illa, destructionem, vel vastum fecerit, nos ab eo capiemus emend' & terra committatur duob. leg. & discretis hominibus de feodo illo, qui de exit' terræ illius nobis rñdeant, vel illi cui nos illā assignauerim'. Et si dederim', vel vèdiderim' custodiā alicui' talis terre, & ille inde destructionem fecerit, vel vastū, amittat illam custodiam, et tradatur duobus discretis & leg. hominibus de feodo illo, qui similiter nobis respondeāt, sicut prædictum est. § Vide Glo. cap. 5. w. 1. ca. 21.

Uuast 2 cap. 5.

¶ Custos autem quamdiu custodiā terræ huiusmodi habuerit, sustentet domos, parcu' viuas, stagna, molédina &c. ad terrā illā pertinentia, de exit' terræ eiusdē, et reddat heredi cū ad plenā etatē peruenerit, terrā suā tot' instauratā de carucis & omnibus alijs rebus, ad minus sicut illam recepit. Hæc omnia obseruent de custodijs archiepiscopatum, epatuū, abbatiarum, prioratuū, ecclesiarum, et dignitatum vacantium, quæ ad nos pertinent,

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except' quod custod' huiusmodi vendi non debent.

¶ *UVarde, 2. cap. 6.*

¶ Heredes autem maritentur absque disparagatione.

¶ *U'omen 1. cap. 7.*

¶ Vidua post mortem mariti sui statim & sine difficultate aliqua, habeat maritagiū suū & hereditatem suam; nec aliquid det p dote sua, nec pro maritagio suo, vel pro hereditate sua habenda, quam hereditatem maritus suus & ipsa tenuerunt simul, die obitus ipsius mariti sui, & maneat in capitali mesuagio mariti sui, p quadraginta dies post obitū mariti sui, infra quos dies assignetur ei dos sua, nisi prius ei assignata fuerit, vel nisi domus illa sit castrum, & si de castro recesserit, statim domū ei competens provideatur, in qua possit honeste morari, quousque dos sua ei assignetur, secundū quod pdictū est, & habeat rationabile estoueriū suum interim de cōi. Assignetur autē ei p dote sua, tertia pars totius terrae mariti sui, quae fuit sua in vita sua, nisi de minori fuerit dotata ad ostiū ecclesiae. Nulla vidua distringatur ad se maritand' & dummodo voluerit viuere sine marito & Ita tamen quod securitatem faciat, qd se non maritabit sine assensu nostro, si de nobis tenuerit, vel sine assensu domini sui, si de alio tenuerit & Prærogatiua Regis. cap. 4.

¶ *Det to the Kings 1. cap. 8.*

¶ Nos vero vel balliui nostri, non seiscimus terram aliquam, vel redditum p debito aliquo

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aliquo, q̄ diu cartalla debitoris p̄sentia, sufficiunt ad debitum reddendū, & ipse debitor paratus sit inde satisfacere. Nec pleg. s̄ ipsius debitoris distringantur, quā diu ipse capitalis debitor sufficiat ad solucionem ipsius debiti. Et si capitalis debitor defecerit in solucione debiti, non habens unde soluat, aut reddere noluerit cum possit, plegij de debito r̄ndeāt, & si voluerint, habeant terras & redditū debitoris, quousque sit eis satisfactū de debitor, q̄ antea pro eo soluerint, nisi capitalis debitor monstrauerit se esse quietum versus eosdem plegios.

¶ *Frauncheises 2. Chap. 9.*

¶ Ciuitas Londoni habeat omnes libertates suas antiquas & consuetudines suas. Preterea volumus & concedimus, quod omnes alie ciuitates, burg. & villæ et barones q̄ quinque portibus, & omnes alij portus, habeant omnes libertates, & liberas consuetudines suas. Articulus super chartas. ca. 7.

¶ *Tenure 1. cap. 10.*

¶ Nullus distringatur ad faciendum maius seruicium de feodo militis, nec de alio libero tenemento, quam inde debetur.

¶ *Common pleas 1. tap. 11.*

¶ Communia placita non sequantur curiam nostram, sed teneantur in aliquo loco certo.

¶ Articulus super chart. cap. 4.

¶ *Assise 1. cap. 12.*

¶ Recognitiones de noua disseisina, & de morte antecessoris, non capiantur nisi in suis com. & hoc modo. Nos vero si extra regnū

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fuerimus, capital' Iustic' nostri mittent Iusticia' nostros per vnumquēq; comitarum semel in anno, qui cū militibus eorund' com, capiant in comit' illis assis. præd. Et ea quæ in aduentu suo in illo comitatu per Iustic' nostr' præd' ad dictas assisas capiend' missas, terminari non possunt, per eosdē terminentur alibi in itinere suo. Et ea q̄ per eosdem pp̄t difficultatem aliquorum articulorum terminari non possunt, referantur ad Iusticia' nostros de banco, et ibi terminentur.

Darrein presentment 1. Cap. 13.

¶ Assise de vltima præsentatione, semper capiantur coram Iusticiariis de bāco, & ibi terminentur.

Amerciament 1 cap. 14.

¶ Liber homo non amercietur pro paruo delicto, nisi secundum modum illius delicti, & pro magno delicto secundū magnitudinē delicti, saluo sibi contenmento suo: & mercator eodem modo salua merchandisa sua, & villanus alterius quam noster, eodem modo amercietur, saluo vrainagio suo, si inciderit in misericordiam nostram. Et nulla p̄dictarum misericordiarum ponatur, nisi p̄ sacramētū proborū & legalium hominū de vicinē. Comites & Barones, non amercientur nisi p̄ pares suos, & non nisi secundū modum delicti. Nulla ecclesiastica persona amercietur secundum quantitatem beneficij sui ecclesiastici, sed secundum laicū tenū suum, & secundum quantitatem delicti.

Banks

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¶ Bankes. 1. cap. 15.

¶ Nulla villa, nec liber homo distringatur facere pontes, aut riparias, nisi qui ab antiquo & de iure facere consueuerunt tempore Henrici regis aui nostri sicut de iure facere debent.

¶ Bankes. 2. cap. 16.

¶ Nullae ripariae defendantur de cetero, nisi illae quae fuerunt in defenso tempore Henrici Regis aui nostri & super eadem loca, & eodem terminos, sicut esse consueuerunt tempore suo.

Plees of the Crowne. 1. cap. 17.

¶ Nullus vic', constabularius, coronator, vel alij balliui nostri, teneant placita coronae nostrae.

¶ Debt to the king. 2. cap. 18.

¶ Si quis tenens de nobis laicum feodum moriatur, & vic', vel balliuus noster ostendat literas nostras patentes de summonitione nostras de debito, quod defunctus nobis debuit, liceat vic', vel balliuo nostro attachiare, & imbreuiare omnia bona & catalla defuncti inuenta in laico feodo ad valenciam ipsius debiti, per visum & testimonium legalium hominum, ita tamen quod nihil inde amoueat, donec persoluatur nobis debitus, quod clarum fuerit, & residuum relinquatur executoribus ad faciendum testamentum defuncti. Et si nihil nobis debeat ab ipso, omnia catalla cedant defuncto, saluis uxori eius, & liberis, pueris suis, rationabilibus partibus suis.

Castels. 1. cap. 19.

¶ Nullus constabularius, vel eius balliuus
¶.iiiij. capiat

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capiat blada, vel alia catalla alicuius q̄ non sit de villa vbi castrum suum situm est, nisi statim reddat denarios, aut respectum inde habere possit de voluntate venditoris. Si autem de villa illa fuerit infra quadraginta dies precium redd' §VV. 1. ca. 7. & 31.

¶ *Castels. 2. cap. 20.*

¶ Nullus constabularibus distringat aliquem militem, ad dandum denarios p̄ custodia castris, si ipse eam facere voluerit, in propria persona sua, vel per alium probum hominem faciat, si ipse eam facere non possit, propter rationabilem causam. Et si nos abducerimus, vel miserimus eum in exercitū, sit quietus de custodia castri secundum quantitatem temporis quo per nos fuerit in exercitu, de feod' p̄ quo fecit seruicium in exercitu.

¶ *Turneyours. 1. cap. 21.*

¶ Nullus vicecomes vel ballius n̄r, vel aliquis alius, capiat equos, vel carectas alicuius p̄ cariagio faciēdo, nisi reddat liberationem antiquit' statuē, scilicet pro vna carecta ad duos equos decem denarios per diem, & pro carecta ad tres equos quatuordecim denarios per diem. Nulla carecta dominica alicuius persone ecclesiastice, vel militis, vel alicuius domini per balliuos nostros capiatur, nec nos, nec balliui nostri, nec alij, capiemus boscum alienum ad castra, vel ad alia agenda nostra, nisi per voluntatem illius, cuius boscus ille fuerit.

¶ *Forfeiture. 1. cap. 22.*

¶ Nos non tenebimus terras illorum, qui con-

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coñiūti fuerint de feloniam, nisi per vnū annum
& vnū diem: & tunc reddantur terrē ille dñs
feodorum. § Prerog. regis ca. vlr.

¶ *Veres. 1. cap. 23.*

¶ Omnes Kidelli deponantur de ceteris pe-
nitus p̄ Thamesiam, & Medewein, & p̄ totā
Angl, nisi per costeram maris.

¶ *Rights. 1. cap. 24.*

¶ Breue quod vocatur Precip̄ in capit̄, de
cetero nō fiat alicui de aliquo libero tenemē-
to, vnde liber homo perdat curiam suam.

¶ *Weights. 1. cap. 25.*

¶ Vna mensura vini sit per totum regnū no-
strum, & vna mensura seruicia, & vna men-
sura bladi, scilicet quarterium Lond', & vna
latitudo pannorum tinctorum, ruffatorum, et
haubergettarum, scilicet due vlne infra listas.
De ponderibus vero sit sicut de mensuris.

¶ *Fine to the king. 1. cap. 26.*

¶ Nihil de cetero detur, p̄ breui inquisitio-
nis, ab eo qui inquisitionem petit de vita, vel
de membris, sed gratis concedat̄, & nō nege-
tur. § VV. 2. ca. 29.

¶ *Uardes. 3. cap. 27.*

¶ Si aliqui teneant de nobis per feod' firmā
vel per foccagium, vel burgagium, & de alio
teneant terram per seruitium militare, nos nō
habebimus custodiā heredis, nec terre sue, que
est de feodo alterius, occasione illius feodi
firme, vel focagij, vel burgagij. Nec habebi-
mus custodiā illius feod' firme, vel focagij,
vel burgagij, nisi ipsa feodi firma nobis debeat
seruicium militare. Nos non habebimus
custodiā

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custodiam hered, vel alicuius terr quam tenet de aliquo alio p seruitium mili, occasione alicuius parua seriantia, quam tenet de nobis p seruitium, reddend' nobis cultellos, sagittas, vel huiusmodi.

¶ *UT' ager of law. 1. cap. 28.*

¶ Nullus balliuus de cetero ponat aliquem ad legem manifestam, nec adiurament simpli- ci loquela sua, sine testibus fidelibus ad hoc inductis.

¶ *Accusation. 1. cap. 29.*

¶ Nullus liber homo capiat, vel imprisone- tur, aut disseisietur de libero tenemento suo, vel libertatibus, vel liberis consuetudinibus suis, aut utlagetur, aut exuletur, aut aliquo modo destruat, nec sup eum ibimus, nec sup eum mittemus, nisi per legale iudicium parium suorum, vel per legem terræ. Nulli vendemus, nulli negabimus, aut differemus iustitiam vel rectum.

¶ *Merchants. 1. cap. 30.*

¶ Omnes mercatores, nisi publice antea p- hibiti fuerint, habeant saluum & securu con- ductum, exire de Anglia, & veni in Angliã, & morari, & ire per Angliam, tam per terram quam per aquam, ad emendum vel venden- dum, sine omnibus malis tolnetis p antiquas & rectas consuetudines, preterquam in tem- pore guerre. Et si sint de terra contra nos guerrina, & tales inueniantur in terra nostra in principio guerre attachientur sine dampno corporum suorum s vel s rerum, donec scia- tur a nobis, vela capitali Iusticiario nostro, quo-

quomodo mercatores terræ nostræ tractantur, qui tunc inueniantur in terra illa contra nos guerrina. Et si nostri salui sint ibi, alij salui sint in terra nostra.

¶ *Tenure 2. cap. 31.*

¶ Si quis tenuerit de aliqua escaeta, sicut de honore wallingford, Noting. Boloyn, & Lanc' & de alijs escaetis quæ sunt in manu nostra, & sint baroniæ, et obierit heres eius, non det aliud releuium, nec faciet nobis aliud seruicium, q̃ faceret Baroni, si illa & baronia esset in manu Baronis, et nos eodẽ modo eã tenebimus, quo baro eã tenuit. Nec nos occasione talis baronię vel escaetæ habebim⁹ aliquam escaetam, vel custodiam aliquorum nostrorum hominum, nisi de nobis alibi tenuerit in capite ille qui tenuit & de & baronia, vel escaeta illa.

¶ *Tenure 3. Cap. 32.*

¶ Nullus liber homo det de cætero amplius alicui, vel vendat & alicui de terra sua, q̃ vt de residuo terræ suę possit sufficientẽ fieri domino feodi seruicium ei debitum, quod p̃tinet ad feodum illud.

¶ *Vacations Gre. 1. cap. 33.*

¶ Omnes patroni iabbatiarum, qui habent chartas Regū Angl de aduocatione, vel antiquam tenurã vel possessionẽ, hēant earũ custodiã cum & vacauerint & sicut habere debent, sicut superius declaratum est. & cap. 5.

¶ *Appeales. 1 cap. 34.*

¶ Nullus capiet aut imprisonet prop̃ appellũ feminæ de morte alterius q̃ viri sui.

County

Magna Charta.

¶ *County & Turn. 1. cap. 35.*

¶ Nullus comitatus de cetero teneatur nisi de mense in mensem, & ubi maior terminus esse solebat, maior sit. § Vide 2. E. 6 cap. 25. Nec aliquis vicecomes vel ballivus suus faciat turnum suum per hundredum, nisi bis in anno, et non nisi in loco debito & consueto, videlicet, semel post Pascha, & iterum post festum S. Michaelis, et visus francipleg. tunc fiat ad illum terminum Sancti Michaelis sine occasione. Ita scilicet quod quilibet habeat libertates suas quas habuit vel habere consuevit tempore Regis Henrici avi nostri, vel quas postea perquefuit. Fiat autem visus de francipleg. sic: Videlicet quod pax nostra teneatur & quod Trithinga teneatur integra sicut esse consuevit, & quod vicecomes non querat occasiones, & contentus sit de eo, quod vice habere consuevit de visu suo faciendo, tempore H. reg. avi nostri. Vide Marl. cap. 10.

¶ *Mortmaine 1. cap. 36.*

¶ Nec liceat de cetero alicui, dare terram suam alicui domui religiosae, ita quod illam resumat de eadem domo tenendus. Nec liceat alicui domui religiosae terram alicuius sic accipere, quod tradat illam illi a quo eam accepit tenendus. Si quis autem de cetero terram suam alicui domui religiosae sic dederit, & super hoc conveniatur, donum suum penitus cassetur, & terra illa domino illius feodi incurratur. § Vide statutum de Religiosis. ann. 3. E. 1.

¶ *Escuage 1. cap. 37.*

¶ Scutagium de cetero capiatur sicut capi
con-

consuevit tempore H. regis aui nostri.

¶ *Franchises 3. cap. 38.*

¶ Et saluæ sint Archiepiscopis, Episcopis, Abbatibus, Prioribus, Templarijs, Hospitalarijs, Comitibus, Baronibus, & omnib⁹ alijs tã ecclesiasticis personis, quam secularibus, omnes lebertates & liberæ consuetudines, quas prius habuerunt. Omnes autē istas consuetudines & libertates prædictas quas concessimus in regno n^{ro} tenend⁹ (quantum ad nos ptinent) erga nos & heredes nostros obseruemus, & omnes de regno nostro, tam clerici q̃ laici obseruent (quantū ad se pertinent) erga suos, Pro hac autem donatione & concessione libertatū istarū et aliarū libertatū contentarum in Charta nostra de libertatibus Forestæ, Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones, Milites, liberi Tenētes, & omnes de regno nostro dederunt nobis quintodecimam partem omniū mobiliū suorum. § Vide stat⁹ 7. an⁹ 25. E. 3. § Concessimus etiā eisdē p nobis & heredib⁹ n^{ris}, q̃ nec nos nec heredes nostri, aliquid perquiremus, per quod libertates in hac Charta contentæ infringantur vel infirmentur. Et si ab aliquo contra hoc aliquid perquesitū fuerit, nihil valeat, & pro nullo habeatur. His testibus Bonifacio Cantuarien⁹ Archiepiscopo. E. Londonen⁹ Episcopo, et alijs. Datum apud westm⁹ decimo die Februarij, Anno regni n^{ostri} nono.

¶ Nos autem donationes et concessiones prædictas ratas habentes, & gratas, eas pro nobis

Charta de Foresta.

nobis & heredibus nostris, concedimus & cōfirmamus, easq; tenore præsentium innouam⁹ volentes & concedentes pro nobis et heredibus nostris, quod Charta nostra prædicta in omnibus & singulis suis articulis in perpetuum firmiter et inuiolabiliter obseruetur, etiamsi aliqui articuli in eadem Charta contenti, hucusq; forsitan non fuerint obseruati, de cætero obseruentur. His testibus venerabilibus patribus R. Cantuarien Archiepiscopo totius Angliæ primati, A. Dunelm Episcopo &c. Datum per manum nostram apud westmonasterium xxviij. die Martij. Anno Regni nostri vicesimo octauo, § Vide Marleb. cap. 5. §

Charta de Foresta edita. Anno ix. Henrici iij



Edwardus Dei Gratia, rex Angliæ, dominus Hiberniæ, & dux Aquitanie, archiepiscopis, episcopis, abbatibus, prioribus, comitibus, baronibus, iusticiis, forestariis, vicibus, propositis, ministris, & omnibus balliuis, & fidelibus suis: Salutē. Inspeximus Chartam dñi H. quodā reg. anglie patris nostri, de foresta in hæc verba: H. Dei Gratia &c. vt supā in principio magnæ Chartæ

¶ Foresta

¶ *Forest. 1. cap. 1.*

¶ In primis omnes Forestæ, quas H. auus noster afforestauit, videantur per bonos & leg. homines. Et si boscum aliquem aliū quam suum dñicum afforestauerit, ad dampnum illius cuius boscus ille fuerit, statim deafforeste. Et si boscum suum proprium afforestauerit, remaneat foresta, salua coīa de herbagio, & alijs in eadem foresta, illis qui prius eam habere consueuerunt.

2 ¶ Homines vero qui manent extra forestā, non veniant de cetero coram iustic' nostris de foresta per cōes summonitiones, nisi sint implacitæ, vel plegij alicuius vel aliquorū, q̄ attachiati sunt ppter forestam.

3 ¶ Omnes autem bosci q̄ fuerunt afforestati per regem Ricm̄ auunculum nrm̄, vel p Regem Iohannem patrem nostrū vsque ad primā coronationem nostrā, statim deafforestent, nisi sit dñcus boscus noster.

4 Archiepiscopi, episcopi, abbates, priores, comites, barones, milites, & liberi tenentes, qui habēt boscos suos in forestis, habeant boscos suos, sicut eos habuerunt tempore primæ coronationis Regis Henrici aui nostri, ita quod quieti sint in perpetuum, de omnibus purpresturis, vastis, & assertis, factis in illis boscis post illud tempus vsque ad principium secundi anni coronationis nostræ. Et qui de cetero vastum, purpresturam, vel assartum, (sine licentia nostra) in illis fecerint, de vastis, purpresturis & assartis nobis respondeant.

5 Regar-

Charta de Foresta.

5 ¶ Regardtores nostri, eant per forestam ad faciendum regardum, sicut fieri consuevit tempore prime coronationis regis H. aui nri & non aliter.

6 ¶ Inquisitio vel visus de expeditatione canum existentium in foresta nostra, de cetero fiat quando fieri debet regardū, scilicet de iij. anō in tercium annum. Et tunc fiat p visum & testimoniū leg. hoīm, & non aliter. Et ille cuius canis inuentus fuerit tunc non expeditatus det pro mīa tres solidos. Et de cetero nullus bos capiat pro expeditatione canū. Talis autem expeditatio fiat per assisam cōmuniter vsitatam, videlicet quod tres ortelli abscindantur sine pellota de pede anteriori. Nec expeditent canes de cetero, nisi in locis vbi consueuerunt expeditari tempore primæ coronationis predicti regis H. aui nostri.

7 ¶ Nullus forestarius, vel al balliuus de ceter faciat scotalas, vel colligat herbas, vel auenam, vel bladum aliquod, vel agnos, vel porcellos, nec aliquam collectam faciat, nisi p visum & sacm xij. regardatorum, quando faciunt regardum. Tot forestarij ponantur ad forestas custodiendas quot ad illas custodiendas rōnabiliū viderint sufficere.

8 ¶ Nullum Swanimotum de cetero teneat in regno nostro, nisi ter in anno, videlicet in principio xv. dierum ante festum sancti Michaelis, quando agistatores nostri conueniunt ad agistandum dominicos boscos nostros & circa festum Sancti Martini in Hieme quando agistatores nri debent recipere pannagiū nostrum

Charta de Foresta.

9

nostrum. Et ad ista dua swanimota conueniāt forestarij, viridarij, & agistatores & nulli alij per distractionem. Et tertiu swanimotum teneatur in initio xv. dierum ante festū sancti Iohannis Baptiste, pro venatione bestiarum nostrarum. Et ad illud swanimotu tenendū conueniant forestarij, viridarij, & nō alij per distractionem. Preterea singulis xl. diebus per totū annū conueniant forestarij, & viridarij, ad videndū attachiamēta de foresta, tam de veridi quam de venatione, per p̄sentationem ipsorum forestariorum, & coram ipsis attachiē. Prædicta autem swanimota non teneantur, nisi in colmitatu, in quibus teneri consueuerunt.

9 ¶ Vnusquisq; liber homo agistet boscum suum in foresta, pro voluntate sua, & habeat pannagium suum. Concedimus etiam quod vnusquisq; liber homo ducere possit porcos suos per dñicū boscū n̄r̄m, libere & sine impedimento ad agistandū eos in boscis suis proprijs, vel alibi vbi voluerit. Et si porci alicuius liberi hominis vna nocte pernoctauerint in foresta nostra, non inde occasioneē vnde aliquid de suo perdat.

10 ¶ Nullus de cetero amittat vitam, v̄l mēbra p̄ venatione n̄ra. Sed si quis captus fuerit & conuictus de captione venationis n̄re, grauiū redimat, si habeat vnde redimi possit. Si autem nō habeat vnde redimi possit, iaceat in pr̄sona nostra per vnum annum & vnū diē. Et si post vnum annum & vnū diē p̄leg. inuenire possit quod amplius de venatione

Charta de Foresta.

tione nostra non forissaciet se neeat de priso-
na, sin autem, abiuret regnum Angliæ.

11 ¶ Quicumq; archiepiscopus, epus, com, vi-
baro, veniens ad nos ad mandat nostrum,
transierit per forestam nostram, liceat ei ca-
pere vnam bestiam, vel duas, per visum fore-
starij si presens fuerit, sin autem faciat corna-
re, ne videatur hoc furtiue facere. Hoc
idem liceat eis redeundo facere, sicut pre-
dict est.

12 ¶ Vnusquisque liber homo de cetero sine
occasione faciat in bosco suo, vel in terra sua
siue in aqua quam hēt in foresta nra, molend'
viuar, stagnū, marleram, fossat, vel trā arabilē,
extra coopart in terra arabili, ita quod nō sit
ad nocimentū alicuius vicini.

13 ¶ Vnusquisq; liber homo habeat in bos-
cis suis aereas accipitrum, esperuar, falconum,
aquilarum, & hieronum. Heāt similiter mel,
quod inuenē fuerit in boscis suis.

14 ¶ Nullus forestarius de cetero, qui nō sit
forestarius de feod', reddens nobis firmam p
balliua sua, capiat chimmagiū aliquod in bal-
liua sua. Forestarius autem de feodo, firmam
nobis reddēs pro balliua sua, capiat chimmag-
giū, videlicet pro carecta per dimid' annum
duos denarios, & per alium dimidium annū,
duos denarios, & p equo qui portet summa-
giū per dimid' annum obulum, & per aliū
dimid' annum obulum, & nō nisi de illis qui
extra balliua suā, tanquam mercatores veniūt
p licentiā suā, in balliua suā, ad boscum ma-
semium, corticē, vel carbonē emend', & alibi
ducend'

ducend' ad vendendum vbi voluerit. Et de nulla alia carecta vel sequo portantes sumagium, aliquod chimagium capiatur. Et non capiatur chimagium, nisi in locis in quibus antiquitus capi solebat & debuit. Illi autē qui portant super dorsum suum boscum, corticē vel carbonem ad vendend', quis inde viuant, nullum de cetero dent chimagium forestarijs nostris, preterquam in dominicis boscis nostris.

15 ¶ Omnes vtlagati pro foresta tantumq; a tempore regis H. aui nostri vsq; ad primam coronationem nostram, veneāt ad pacē nrā sine impedimento, & saluos pleg. nobis inueniant, quod de cetero non forissacient nobis in foresta nostra.

16 ¶ Nullus constabularius, castellanus, vel balliuus teneat placita de foresta, siue de viridi, siue de venatione s' nostra sed quilibet forestarius de feodo attachat placita de foresta tam de viridi quam de venatione, & ea presentet viridarijs prouinciarum, & cū irrorula fuerint, & sub sigillis viridariorum inclusa, presententur capitalibus iusticiarijs nostris de foresta, cum in partes illas venerint ad tenend' placita de foresta, & coram eis terminentur. Has autem libertates de forestis concessimus omnibus &c. Saluis archiepisc' episcop', abbatib', prioribus, com. baronibus militibus, & alijs personis tā ecclesiasticis q' secularibus, templarijs, & hospitalarijs, libertatibus, & liberis consuetudinibus in forestis & extra, in ywarreis & alijs, quas pri' habuer,

B. ij.

Omnes

Statutum de Merton

Omnes autē istas consuetudines &c. vt in fine Magnæ Chartæ. Nos autem donationes &c. vt in fine eiusdem Magnæ Chartæ &c.

§ Vide Marl. cap. 5.

¶ Incipit Statutum de Merton edit anno xx. Hen. iij. &c.

Prouisum est in Curia domini Regis apud Merton, die Mercurij, in crastino Sancti Vincentij, anno regni Regis Henrici filij Regis Iohannis vicesimo. coram VV. Cantuariensi Archiepiscopo, & coepiscopis suffragan' suis & coram maiore parte Comitum et Baronū Angliæ ibidem existentium, pro coronatione ipsius domini Regis & Helionoræ Reginae, pro qua omnes vocati fuerunt, cum tractatū esset de communi utilitate regni super articulis subscriptis, ita prouisum fuit et concessum, tam a prædictis Archiepiscopis, Episcopis, Comitibus, Baronibus, quam ab ipso Rege, & alijs.

Douer 1 Cap. 1.

¶ De Viduis primo, quæ post mortem virorum suorum expelluntur de dotibus suis, et dotes suas, vel quarentenam § suam § habere non possunt sine placito, videlicet, quod quicumq; deforc'auerit eis dotes suas, vel quarentenam suam, de tenementis quibus viri sui obierunt seisciti, et ipsæ viduæ postea p § placitum § recuperauerint, si ipsi § deforc' de iniusto

Statutum de Merton II

iniusto deforciamiento conuicti fuerint, red-
dant eisdem viduis damna sua, scilicet valo-
rem totius dotis eis contingentis, a tempore
mortis virorum suorum, vsque ad diem
quo ipsæ viduæ per iudicium Curia seisinā
suam inde recuperauerint. Et nihilominus
ipsi deforciatores sint in misericordia domi-
ni Regis.

vvilles. 1 Cap. 2.

¶ Item omnes viduæ de cetero possint le-
gar blada sua de terra sua, tam de dotib⁹ su-
is quam de alijs terris & tenementis suis, sal-
uis consuetudinibus & § servicijs domino-
rum de feodo, quæ de dotibus & alijs teneñ
suis debentur.

Reddissefin 1 Cap. 3.

¶ Item si quis fuerit disseis de libero tenemē
suo, & coram iustic' itinerantibus seisinam
suam recuperavit, p assinam nonæ disseisinæ
vel per recognitionem eorū qui fecerint dis-
seisinam: & ipse disseisitus per vic' seisinā suā
habuerit si ijdem disseisitores postea, post
iter iustic' vel infra, de eodem tenē iterū eundē
conquerentem disseisuerint, et inde conuicti
fuerint, statim capiantur & in prisoña domi-
ni regis detineantur, quousq; per dominum
regem per redemptionem, vel aliquo alio mo-
do deliberentur. § Vide Marlb. capitulo 8. §
Et hæc est forma qualiter tales conuicti pu-
niri debeant, videlicet cum conquerentes ad
Curiam veniant, habeāt bñe domini reg. vic'
directum, in quo contineatur eorū narratio d'
disseisina facta super disseisinam. Et ideo ma-

26.117.

det

Merton.

vic' q' assumptis secum custodibus placitorum
coronæ domini reg. & alijs legalibus militi-
b' in ppria p'sona sua accedat ad ten' illud,
vel ad pasturam illā de quib' facta fuerit q-
rela, & corā eis per primos iuratores, & p' ali-
os vicinos, & legales homines § de vicineto
illo § diligētē inde faciat inquisitionē. Et si
ipsum iterum inuenerint disseisitum (sicut
prædictum est) tunc faciat secundum pro-
uisionem prædictam, sin autem, tunc sit con-
querens in misericordia domini regis, & alius
quietus recedat. Nec debet vic' (sine speciali
precepto domini regis) huiusmodi loquelam
prosequi. Eodem modo fiat de illis, qui seisi-
nam recuperauerint p' assisam mortis anteces-
soris, & similiter de omnibus terris & tenem'
recuperatis p' iurāt in curia domini regis, si
postea disseisiti fuerint a prioribus deforcia-
toribus, versus quos recuperauerint per iurāt
quoquomodo. § Vide w. 2. cap. 26.

Approvements 1. cap 4.

¶ Item quia multi magnates Angliæ, qui
feoffauerunt milites & h' alios ! libere tenētes
suos de paruis tenementis in magnis ma-
nerijs suis, questi fuerunt, quod commodum
suum facere non potuerunt de residuo ma-
neriorum suorum, sicut de vastis, boscis, &
pasturis & communibus & cum ipsi feoffati ha-
beant sufficientem pasturam, quantum perti-
net ad tenem' sua & ita & prouisum est, & con-
cessum, quod quicūque huiusmodi feoffati as-
sisam nouæ disseisinæ deferant de communia
pasturæ suæ, & coram iusticiari' recognit' fue-
rit quod

quod tantam pasturam habeant, quantū sufficet ad tenē sua, & quod habeant liberum ingressum & egressum, de h̄liberis tenementis suis, vsq; ad pasturam suam: tunc inde sint cōtenti, & illi de quibus conqueſti fuerint recedant quieti, de hoc quod cōmodum suum de terris, vastis, bovcis, & pasturis fecerint. Si autem dixerint, quod sufficientem pasturam nō habeant, vel sufficientem ingressum, h̄vel egressum, quantum pertinet ad tenē sua, tūc inquirat veritas per assisam. Et si per assisam recognitum fuerit, quod per eosdem deforciantores, in aliqua fuerit impeditus eorū ingressus vel egressus, vel quod non habeant sufficientem pasturam, & sufficientem ingressum & egressum, sicut prādictum est: tunc recuperent seisinam suam, per visum iuratorum, ita quod per discretionem & sacramentum eorum habeāt conquerentes sufficientem pasturam, & sufficientem ingressum & egressū in forma predicta. & disseisitores sint in mīa domini regis, & dampna reddant, sicut reddi solent ante prouisionem istam. Si autem recognitum fuerit per assisam, quod querentes sufficientem habeant pasturam, cum libero & sufficienti ingressu & egressu, sicut pred' est: tunc licite h̄ & libere h̄ faciant p̄ dñi cōmodū suum de residuo, & recedant de illa assisa quieti. ‡VV.2.ca:48.

¶ *Usucy. 1. cap. 5.*

¶ Similiter prouisum est, & a dño rege cōcessum, quod de cetero non current vsure cōtra aliquem, infra ætatem existē, a tempore

B. iiii.

mortis

Merton.

mortis antecessoris sui, cuius heres ipse est, usque ad legitimam ætatem suam, ita tamen quod propter hoc non remaneat solutio debiti principalis simul cum usuris ante mortem antecessoris sui, cuius heres ipse est inde prouenientibus.

¶ *Uvades. 4. cap. 6.*

¶ De hered' per parentes, vel per alios, contra pacem vi abductis, vel detentis, seu maritatis, ita prouisum est, quod quicumque laicus inde conuictus fuerit, quod puerum aliquem sic detenuerit, abduxerit, seu maritauerit, reddat peridenti valorem maritagij: & pro delicto corpus eius capiat, vt imprisonetur, donec peridenti emendauerit delictum si puer maritetur: & preterea donec domino regi satisfecerit pro transgressione sua. Et hoc de herede infra quatuordecim annos existenti. De herede autem cum sit quatuordecim annorum, vel ultra, usque ad plenam ætatem, si se maritauerit sine licentia dñi sui vt ei auferat maritadium suum, & dominus eius offerat ei rationabile maritadium, vbi non desperagetur, dñs suus tunc teneat terram eius ultra terminum ætatis suæ, scilicet xxj. annorum, p tantum tēpus quod inde possit percipere duplicē valorem maritagij, secundum æstimationem legalium hominum, vel secundum quod ei p eodem maritagio prius fuerit oblat sine fraude & malitia, & secundum quod probari poterit in curia domini regis.

¶ *Uvades. 5. cap. 7.*

¶ De dominis qui maritauerint illos quos habent

habent in custod', villanis vel alijs, sicut bur-
genf. vbi desparagent: si talis hætes fuerit in-
fra xiiij. annos & talis ætatis quod consentire
non possit matrimonio: tunc si parentes cõ-
querantur de illo dño, dñs ille amittat custo-
diam vsque ad ætatem hæredis: & omne cõ-
modum quod inde perceptum fuerit, cõuer-
tat in commodum ipsius hæredis qui infra æ-
tat est, secundum dispositionem & prouisio-
nem parentũ suorum, propter dedecus ei fac-
tum. Si autẽ fuerit 14. annorũ & vltra, quod
consentire poterit, & tali matrimonio consense-
rit, nulla sequatur pœna. Si quis heres cuius-
cũq; fuerit ætatis pro dño suo se noluerit ma-
ritare, nõ cõpellať hoc facere, sed cũ ad ætatẽ
puenerit, det dño suo & satisfaciat ei de tanto
quantũ inde pcipere possit ab aliquo p mari-
tagio suo antequam terram suam recipiat, &
hoc siue se voluerit maritare, siue non: quia
maritagiũ eius, qui infra ætatem est, de me-
ro iure pertinet ad dominum feodi.

¶ *Limitac. 1. cap. 8.*

¶ De narratione discensus in bñ de recto ab
anteccessore a tempore H. regis senioris anno
& die, prouisum est, quod de cetero non fiat
mentio de tã lōginquo tempore, sed a tẽpore
H. regis aui nostri, & locum habeat ista pro-
uisio ad Penthecosten Anno regni dñi Regis
nunc xxj. & non antea: & breuia prius im-
petrata procedant. Breuia mortis anteccessoris,
de Natiuis, & de ingressu, nõ excedat vltimũ
reddiť dñi regis Iohannis d' Hibernĩ in Angli-
am, & locum habeat ista prouisio &c. vt sup̃.
Breuia

Merton.

Breua noue diff. non excedant primā tranſſ. dñi regis qui nunc eſt in Vaſcon, & locū habeat iſta puiſio a tēpore pred' & breua prius impetrata procedant. § Vide VV. 1. cap. 38. & 32. H. 8. cap. 2.

¶ *Baſtardie. 1. cap. 9.*

¶ Ad bre regis de Baſtardia utrū aliquis natus ante matrimonium habere poterit hereditatē, ſicut ille qui natus eſt poſt matrimonium, reſponderunt omnes epiſcopi, quod nolūt nec poſſunt ad iſtud breue reſpondere, quia hoc eſſet contra communem formam eccleſiæ. Et rogauerunt omnes epiſcopi magnates, vt cōſentirent, quod nati ante matrimonium eſſent legitī, ſicut illi qui nati ſunt poſt matrimōn, quantum ad ſucceſſionem hereditariam, quia eccleſia tales habet pro legitimis. Et omnes comites & barones vna voce reſponderunt q̄ nolunt leges Angliæ mutare, quę hucusque uſitate ſunt & approbate.

¶ *Attorney. 1. cap. 10.*

¶ Prouiſum eſt in ſuper. q̄ quilibet liber homo, qui ſectam debet ad cōm, trithingum, hūdred', & wapent, vel ad curiam dñi ſui, libere poſſit facere attorn ſuum, ad ſectas illas p̄ eo faciendas.

¶ *Foreſts. 17. cap. 11.*

¶ De malefactoribus in parcis & viuarijs nondum eſt diſcuſſum, quia magnates petierunt propriam priſonam de illis, quos caperent in parcis & viuarijs ſuis. Quod quidem dominus Rex contradixit, & ideo differatur.

¶ *Dia*

¶ Dies communes in banco
edit An. li. H. ij.

¶ *Days in Banke. 1. cap. 1.*

SI Breue venerit in octabis Sancti Michaelis, tunc dabitur dies in octabis. S. Hillarij. Si in quindena sancti Michaelis, in quindena sancti Hillarij. Si in tribus septimanis sancti Michaelis, in Crastino Purificationis beate Mariæ. Si in mense Sancti Michaelis, in octa. Purificat, beate Mariæ. Si in crastino animarum, in quindena Pasch. Si in crastino Sancti Martini, in tribus septim Pasche. Si in octabis sancti Martini, in mense Paschæ: Si in quindena Sancti Martini, in v. septimanis Pasch. Et est quidam dies specialiter datus in crastino Assensionis domini, & tantū valet, quantum v. sep̃ Pasch. Si in octa. Hillarij, in octabis sanctæ Trinitatis. Si in quindena S. Hill, in quindena Sactæ Trinitatis, & aliquādo in crastino sanc' Iohannis Baptiste. Si in crast' Purificationis. B. Mar, in crast', & in oct'. Sancti I. Bapt. Si in octab. Purificatiō in xv. Sancti Iohannis Baptiste. Si in quind' Paschæ, in octa. Sancti Michaelis. Si in tribus septimanis Paschæ, in quindena Sancti Michaelis. Si in mense Pasche, in tribus septimanis sancti Michaelis. Si in v. septimanis Paschæ, vel in crastino Assensionis Domini, in mense Sancti Michaelis. Si in octabis sanctæ Trinitatis, in crastino animarum. Si

Dies communes.

Si in quindena Sanctæ Trinitatis, vel in crastino Sancti Iohannis Baptiste in crastino sancti Martini. Si in octab. Sancti I. Bapt. in octa. sancti Martini. Si in quinden Sancti Iohannis Baptiste in quindena Sancti Martini. Et sic respondet quilibet terminus alij. § Vide 32. H. 8. cap. 21.

¶ Dies communes in bāco in placito dotis edit. An. li. H. 3.

¶ *Dayes in bankc.* 2.

SI in octa. Sancti Michaelis breue venerit, dabitur dies in crastino animarum. Si in quindena Sancti Michaelis, dabitur dies in crastino Sancti Martini. Si in mense Sancti Michaelis, in quindena Martini. Si crastino animarum, in octabis sancti Hillarij. Si in crastino Martini, in quindena Hillarij. Si in octabis Martini, in crastino Purificationis. Si in quindena Martini, in octa. Purificationis. Si in octa. Hillarij, in xv. Paschæ. Si in quindena Hill, in tribus septimanis Pasch. Si in crastino Purific. in mēse Pasch. Si in octa. Purificat, in crastino Assensionis. Si in quindena Pasch. in octabis Trinitatis. Si in tribus septim Pasche, in quinden Trinitatis. Si in mense Paschæ, in crastin Sancti Iohannis Baptiste. Si in v. septiman Paschæ, in octabis Sancti Iohannis. Si in crastino Assensionis dñi, in xv. Sancti Iohannis.

Si

Si in octabis Trinitatis, in octabis Sancti Michaelis. Si in quindena Sanctæ Trinitatis, in xv. Sancti Michaelis. Si in crastino sancti Iohannis Baptiste, in iij. septim Sancti Michaelis. Si in octabis Sancti Iohannis Baptiste, in mense Sancti Michaelis. Si in quindena Sancti Iohannis Baptiste, in crastino animarum. § Vide 32. H. 8. cap. 21.

¶ Statutū de Marlebridge edit' anno lij. H. iij.

ANNO Gratia M. CClxvij. Regni autem domini Henr filij Regis Iohannis quinquagesimo secundo, in octabis S. Martini, puidente ipso dño rege, ad regni sui Angliæ meliorationem, & exhibitionem Iusticiæ (prout regalis officij exposcit vtilitas) pleniorē, conuocatis discretioribus eiusdem regni, tam maioribus quam minoribus, Prouisū est et statutū, ac concordatum et ordinatum, vt cum regnū Angl multis tribulationibus & dissensionum incommodis nuper § esset § depressum, reformatione legum & iurium (quibus pax et tranquillitas incolarū conseruetur) indigeat, ad q̄ remedium salubre per ipsum regem & suos fideles oportuit adhiberi: prouisiones, ordinationes & statuta subscripta, ab omnibus regni ipsius incolis tam maioribus quam minoribus, firmiter & inuolabiliter tēporibus perpe-

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perpetuis statuerit obseruari.

¶ *Distres 1. cap. 1.*

¶ Cum autem temporeurbationis nuper in regno Angliæ subortæ, & deinceps, multi magnates & alij iusticiam indignati fuerint recipere per dominum regem & curiam suam, prout debuerunt, & consueuerunt temporibus predecessorum ipsius domini regis & etiam tempore suo: sed de vicinis suis, & aliis p seipsos graues ultiones fecerint, & districtiones, quousque redemptiones receperent ad voluntatem suam. Et preterea quidam eorum, se per ministros domini regis iusticiarij non permittant, nec sustineant quod per ipsos liberentur districtiones, quas auctoritate propria fecerint ad voluntatem suam. Prouisum est, concordatū, & concessū q̄ tam maiores, quam minores, iusticiam habeant & recipeant in curia domini regis. Et nullus de cetero ultiones, aut districtiones faciat p voluntatē suā, absq; consideratione curiæ domini regis, si forte dampnum vel iniuria sibi fiat, vnde emendas habere voluerit de aliquo s̄ vicino suo, siue maiore siue minore. Super articulo autem supradicto p̄uisum est & concessum, q̄ si quis de cetero ultiones huiusmodi capiat p voluntatē suam s̄ propriā s̄ absq; consideratione curiæ domini reg. (vt predictū est) & inde conuincatur, puniatur p redemptionem, & hoc secundū quantitātē delicti. Et similiter si vicin⁹ sup vicinū suū faciat districtionem, sine cōsideratione curiæ dñi regis, p q̄ dampnū habeat, puniatur eodē modo, & hoc

hoc secundum quantitatem delicti. Et nihilominus fiant emende plene & sufficienter eis, qui dampna sustinuerint per huiusmodi distractiones.

¶ *Distres. 2. cap. 2.*

¶ Nullus insup maior vel minor distringat aliquem ad veniend' ad cur' suam, qui non sit de feodo suo, aut sup ipsum non habeat iurisdictionem p hundred' & wapentag. & vel balliuam, & quæ sua sit & nec distractiones faciat extra feodum suum, seu locum ubi balliuam habeat vel iurisdictionem. Et qui cōtra hoc statutū fecerit, puniat eodē modo, & hoc secundū delicti quantitatem, & etiam qualitatem.

¶ *Distres. 3. cap. 3.*

¶ Si quis autem maior vel minor, pmittere noluerit liberari per ministros domini Regis, secundum legem & consuetudinem regni, distractiones quas fecerit; aut etiam sustinere noluerit summonitiones, attachiementa, executiones iudiciorum curiæ domini regis fieri & secundum legem & consuetudinē regni ut predict' est; puniatur modo predicto, tanquā se iusticiari non permittens, & hoc secundū delicti quantitatem. Et si quis maior vel minor distractiones faciat sup tenentē suū, p seruicijs & consuetudinibus, quæ sibi deberi dicat, vel pro re altera, unde ad dominum feodi ptineat, distractiones facere, & postea conuincat, quod tenens ea sibi no debeat: non ideo puniat dñs per redemptionem, ut in supradictis casibus, si permittat distractiones deliberari secundum legem & consuetudinem regni; sed amerciet,
velu

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velut haftenus consuetum est, & tenens dāpna sua recuperet versus eum.

¶ *Distrec. 4. Cap. 6e*

¶ Nullus de cetero faciat ducere districtiones, quas fecerit, extra comitatum in quo captae fuerint. Et si vicinus hoc fecerit super vicinum suum, & per voluntatem suam, & sine iudicio, puniatur per redemptionem vt supra, veluti de re facta contra pacem. Veruntamen si dominus hoc super tenentem suum facere presumpserit, castigetur per grauē misericordiam. Districtiones insuper sint rationabiles, & non nimis graues. Et qui districtiones fecerint irrationabiles, & indebitas, grauiter amercientur propter excessum districtionum ipsarum. ¶ Vide statutum anno 1. & 2. P. & M. cap. 13.

¶ *Confirmatiō. 1. cap. 5.*

¶ Magna charta in singulis suis articulis teneatur, tā in his quae ad regem pertinet, quā q; ad alios, & hoc coram iusticiariis itinerantibus in suis itineribus, & vic' in com' suis, cū opus fuerit demandetur, & breuia versus eos qui contrauenerint gratis concedantur coram rege, vel coram iustic' de banco, vel coram iustic' itinerantibus cum in partes illas venerint. Similiter Charta de foresta in singulis suis articulis teneatur, & contrauenientes per dñm regem, cum conuicti fuerint grauiter puniantur modo suprad'.

¶ *Uvades. 6. cap. 6.*

¶ De his autem qui primogenitos & heredes suos infra aetatem existentes feoffare solent

solent de hereditate sua, vt per hoc amitterent domini feodorum custodias suas. Prouisum est concordatum & concessum, quod occasione huiusmodi ~~falsi~~ feoffamenti, nullus capitalis dominus amittat custodiam suam. De his insuper qui de terris suis, quas tradere voluerint ad terminum annorum, vt per hoc domini feodorum amittant custodias suas, falsa fingunt feoffamenta continētia, quod eis satisfactum est de summa seruitij in illis contenti vsque ad terminum aliquem: ita quod si ad dictum terminum soluere teneantur huiusmodi feoffati summam aliquam ad valorem terrarum illarum, vel in multo excedentem, vt sic post terminum illum terra eorum reuertatur ad ipsos, vel ad heredes suos, eo quod nemo eam pro tanto tenere curaret. Prouisum est, concordatum & concessum, vt per huiusmodi fraudem nullus capitalis dominus amittat custodiam suam: Veruntamen non licebit eis huiusmodi feoffatos sine iudicio disseisire: sed breue habeant de huiusmodi custodia sibi reddenda, & per testes in chartis de huiusmodi feoffamento contentos, vna cum alijs liberis & legalibus hominibus de patria, & per quantitatem & valorem tenē, & per quantitatem summę, quę inde reddi debeant post terminum ~~predictum~~ attingatur vtrum huiusmodi feoffamenta bona fide facta sint, an in fraudem, ad auferendum capitali dominis feodorum custodiam suam. Si vero capitali domini per iudicium curię in huiusmodi casibus recuperauerint custodiam suam, salua sit nihilominus huiusmodi feoffatis

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actio sua, quo ad terminum, seu ad feodū recuperandum, quam inde habuerint cum heredes ad legitimam ætatem peruenerint. Et si aliqui capitales Domini feoffatos aliquos malitiose implacitauerint, fingentes casum istum, maxime ubi feoffamenta legitime & bona fide facta fuerint, tunc adiudicetur feoffatis dampna sua, & misæ suæ, quas fecerint occasione prædicti placiti, & ipsi actores per miserecordiam grauiter punniantur.

Uwardas. 7. cap. 7.

¶ In placito vero communi de custodijs, si ad magnam districtionem non venerint deforciatores, tunc bis vel ter iteretur breue prædictum ad terminos, quibus fieri poterit, infra medietatem anni sequentis, ita quod singulis vicibus legatur breue in pleno comitatu nisi alibi prius inuentus fuerit deforciator. Et ibi publice denunciatur, ut veniat ad diem sibi præfixum. Quod si ipse extunc se subtraxerit ita quod infra medietatem anni prædicti respondurus non venerit, nec vicecomes eum inuenire, possit, per quod corpus suum habere non possit coram iusticiarijs, ad respondendum secundum legem et consuetudinem regni, tunc (tanquam rebellis, & se iusticiari non permittens) amittat seisinam huiusmodi custodię, salua sibi alias actione sua, si forte ius habeat ad eandem. In casibus autem ubi custodię pertinent ad custodes heredum infra ætatem existentium, versus custodes illas petatur custodię quę accidit heredibus illis tanquam pertinetes ad eorum hereditates: & non amittant huiusmodi heredes infra ætatem existentes hereditatem suam

suam per negligentiam, vel rebellionem suorum
custodum, sicut in casu prædicto, sed currat lex
communis eodem modo quo prius currere consue-
uit.

¶ *Redisseisin. 2. cap. 8.*

¶ Illi autem qui pro iterata disseisina capē fue-
rint & detenti, non deliberentur sine speciali præ-
cepto domini regis, & hoc per finem cum domino
rege inde faciendum pro huiusmodi transgressione
sua. Et si compertum fuerit quod vic' a' iter eos de-
liberauerit, propter hoc grauius amercietur, & ni-
hilominus illi qui per vicecomitem, sine precepto
domini regis, sic deliberantur, pro sua transgressi-
one grauius puniantur. † Merto. capitul. 3. V Vest.
2. cap. 26.

¶ *Suite. 1. cap. 9.*

¶ De sectis vero faciendis ad curiam magna-
tum, vel ad curiam aliorum dominiorum ipsa-
rum cum, de cetero sic obseruandum est, quod
nullus qui p chartam feoffatus est, distringatur de
cetero ad huiusmodi sectam faciendam ad cu-
riam domini sui nisi per formam † feoffamenti
sui † specialiter teneatur ad sectam illam facien-
dam. His autem exceptis quorum antecessores,
vel ipsi nec, huiusmodi sectam facere consueue-
runt ante primam transfretationem prædicti do-
mini Regis Henrici in Britanniam, a tempo-
re cuius transfretationis elapsi sunt xxxix. an-
ni, & medietas vnius anni † ad tempus † quo
huiusmodi constitutiones fuerunt statutz.

Similiter nullus feoffatus, a tempore con-
questus † sine charta † vel aliquo alio antiquo

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feoffamento distringatur ad huiusmodi sectam faciend', nisi ipsimet, vel antecessores sui, eam facere consueuerunt ante primam transfretationem prædictam. Qui autem per cartam pro certo seruitio, veluti pro libero seruitio tot solidorum annuatim pro omni seruitio soluend' feoffati sunt ad huiusmodi sectam, vel ad aliud, contra formam feoffamenti sui, de cetero non teneantur. Et si hereditas aliqua, de qua tantum vnica secta debeatur, ad plures heredes participes eiusdem hereditatis deuoluatur, ille vero qui habet enitiā partem hereditatis illius, vnicam faciet sectam pro se et participibus suis, & alij participes sui pro portione sua, contribuant ad sectam illam faciendam. Et si plures feoffati fuerint de hereditate aliqua, de qua tamen vnica secta debeatur, dominus illius feodi vnicam sectam inde habeat, nec possit de prædicta hereditate nisi vnicam sectam exigere. sicut prius inde fieri consuevit. Et si feoffati warrantum, vel medium non habeant, qui inde eos acquietare debeat, tunc omnes illi feoffati, pro portione sua, contribuant pro portione sua ad sectam illam pro eis faciendam. Si autem contingat, quod domini cur, tenentes suos contra hanc constitutionem, pro huiusmodi secta distringant, tunc ad quæremoniam tenentium illorum attachientur eorum domini, quod ad curiam Regis veniant ad breuem diem, inde responsuri, & vnicum inde habeant essonium si fuerint in Regno, & incontinenter deliberentur conquerenti aueria sua, siue aliæ distractiones, hac occasione factæ, & deliberatæ

rate remaneant, donec placitum inde inter eos terminetur. Et si domini curiarum, qui huiusmodi distractiones fecerint, ad diem, ad quem attachiari fuerint non venerint, vel diem per effonium sibi, datum non obseruauerint, tunc mandetur vicecomiti, quod eos ad alium diem venire faciat, ad quem diem si non venerint, tunc mandetur vicecomiti, quod distringat eos per omnia catalla, quæ habent in balliua sua, ita quod vicecomes respondeat domino Regi de exitibus dicti heredis, & quod habeat corpora eorum ad certum diem sibi præfigendum coram Iusticiarijs. Ita quod si ad diem illum non venerint, eat pars conquerens inde sine die, & aueria sua, siue aliæ distractiones hac occasione factæ, deliberata remaneant, donec ipsi domini sectam illam recuperauerint per considerationem Curie regis, & cessent interim huiusmodi distractiones, saluo dominis curiarum iure suo defectis illis recuperandis in forma iuris, cum inde loqui voluerint.

¶ Et cum domini curiarum inde venerint responduri conquerentibus de huiusmodi distractionibus, & super hoc conuincatur, tunc per considerationem curie dñi regis recuperent versus ipsos conquerentes dampna sua quæ sustinuerunt occasione distractionis prædictæ. Simili autem modo si tenentes, post hanc constitutionem, subtrahunt dominis s̄feodorum s̄ sectas quas facere s̄ debeant et quas ante tempus prædict' transfretationis, et hactenus facere consueuerunt, tunc per eandem iusticiam & celeritatem quo ad dies præfigend', & distractiones adiudicand', consequantur dñi curiarum iusticiam de sectis illis perquirendis, vna cum dāp-

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nis suis, quemadmodum tenentes damna sua recuperarent. Et hoc scilicet de damnis recuperandis, intelligatur de subtractionibus sibi factis, & non de subtractionibus factis predecessoribus suis. Veruntamen domini curiarum versus tenentes suos seisinam de huiusmodi factis recuperare non poterunt per defaultam, sicut prius fieri consuevit. De factis autem, que ante tempus supradictum subtracte fuerint, currat lex communis, sicut prius currere consuevit.

¶ *County et Tourne 2. cap. 10.*

¶ De tournis vic. prouisum est, quod necesse non habeant ibi venire archiepiscopi, episcopi, abbates, priores, comites, barones, nec aliqui viri religiosi, seu, mulieres, nisi eorum presentia ob aliquam causam specialiter exigatur, sed teneatur turnus, sicut temporibus predecessorum domini regis teneri consuevit. Et qui in h diuersis hund' habeant tenenta non habeant necesse ad huiusmodi turnos venire, nisi in balliuus ubi fuerint conuersantes. Et teneantur turni secundum formam magne charte, & sicut temporibus regum Rich. & Iohannis teneri consueverunt. Vide M. cap. 35.

¶ *Beaupleder. 1. cap. 11.*

¶ Prouisum est etiam, quod nec in itinere iustic' nec in com', in hundred', nec in cur' baron' de cetero capientur fines ab aliquibus pro pulchre placitando, neque h pro eo h quod non occasionentur. Et sciendum est, quod per istam constitutionem non tolluntur fines certi, seu prestationes

arrentate a tempore quo dominus rex primū transfretauit in Britanniam vsq; nunc.

¶ *Dies in banke. 3. cap. 12.*

¶ In placito vero dotis, quod diciter vnde nihil habet, dentur de cetero quatuor dies per annum ad minus, & plures si commodè fieri poterit, ita quod habeant quinque vel sex dies ad minus per annum. In assisis hāutem hūltime presentationis, et in placito quare impedit de ecclesijs vacantibus, dentur dies de quindena in xv. vel de tribus septimanis in tres septimanas, prout locus fuerit propinquus, vel remotus.

¶ *Quare impedit. 1.*

¶ Et in placito quare impedit si ad primum diem ad quem summonitus fuerit, non venerit nec essonium miserit impeditor, tunc artachiet ad alium diem, quo die si non venerit, nec essonium miserit distringatur per magnam districtionem superius datam. Et si tunc non venerit, per eius defaultam scribatur episcopo illius loci quod reclamatio impeditoris, illa vice conquerenti non obsistat, saluo impeditori alias iurāuo, cum inde loqui voluerit. Eadem lex de attachiamentis faciendis, in omnibus breuib; vbi attachiamenta iacent de cetero (quo ad districtiones faciend') firmit' obseruet: ita tamen quod secund' attachiamentū fiat per meliores pleg. & postmod' vltima districtio. hū vide art' super car-tas cap. 15.

¶ *Essoine. 1. cap. 13.*

¶ Et sciendum est hū quod hū postquam aliquis posuerit se in inquisitionem aliquam, quē emer-lerit, vel emergere poterit in huiusmodi breuib;

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breuibus, non habebit nisi vnicum effonium, vel vnicam defaltam, ita quod si ad diem sibi datum per effonium suum non venerit, aut secundo die defaltam fecerit, tunc inquisitio illa per eius defaltam capiatur, et secundum inquisitionem illam ad iudicium procedatur. Si vero inquisitio illa capta fuerit in comitatu coram vicecomite vel coronatore, ad iusticiarios domini regis ad certum diem est remittendum. Et si pars rea non venerit ad diem illum, tunc propter defaltam ipsius, assignetur & alius dies, secundum discretionem Iusticiariorum, & mandetur vicecomiti, quod ad diem illum faciat eum venire ad audiendum iudicium (si velit) secundum inquisitionem illam. Ad quem diem si non venerit, propter defaltam suam procedatur ad iudicium. Eodem modo fiat, si non veniat ad diem sibi datum per effonium suum.

¶ *Iurors 1. chap. 14.*

¶ De chartis vero exemptionis, & libertatis ne ponantur impetrantes in assisis, iuratis vel recognitionibus aliquibus: Prouisum est, quod si adeo necessarium sit eorum iuramentum, quod sine eis iusticia exhiberi non poterit (Veluti in magnis assisis, & in perambulationibus, & in chartis vel scriptis conuentionum, vti fuerunt testes nominati, aut in attinctis, vel alijs consimilibus) iurati cogantur, salua sibi alias libertate, & exemptione sua predicta.

¶ *Distres. 5. Cap. 15.*

¶ Nullus de cetero liceat, ex quacunque causa distractiones facere extra feodum suum, nec in

in via regia, aut in communi strata, nisi domino Regi, & ministris suis specialem auctoritatem ad hoc habentibus. ‡ westminster .1.
Capit. 16. ‡

¶ Mordauncester. I. cap. 16

¶ Si heres aliquis post mortem antecessoris sui infra ætatem extiterit, & dominus suus custodiam terrarum, & tenementorum suorum habuerit, si dominus ille dicto heredi, cum ad legitimam ætatem peruenerit, terram suam sine placito reddere noluerit, hæres ille terram suam per assisam mortis antecessoris recuperabit, vna cum damnis suis, quæ sustinuerit propter detentionem illam, a tempore quo fuit legitime ætatis. Et si heres aliquis tempore mortis antecessoris sui plene ætatis fuerit, & ille heres apparens, & pro herede cognitus & inuentus sit in hereditate illa, capitalis Dominus eum non eiiceat, nec aliquid ibi capiat, vel amoueat, sed tamen inde simplicem seisinam habeat pro recognitione domini sui ut pro domino cognoscatur. Et si capitalis dominus huiusmodi heredes extra seisinam maliciose teneat, propter quod breue mortis antecessoris, vel consanguinitatis oporteat ipsum impetrare, tunc dampna sua recuperet sicut in assisa nouæ disseisinæ. De heredibus autem, qui de domino rege tenent in capite, sic obseruandum est, ut dominus Rex primam inde habeat seisinam, sicut prius inde habere consuevit. Nec heres nec aliquis alius in hæreditatem illam se intrudat, priusquam illam de manibus domini regis recipiat prout huiusmodi hæreditas de manibus ipsius & antecessorum suorum recipi consueuerit temporibus

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ribus elapsis. Et hoc intelligatur de terris et feodis, quæ ratione seruitij militaris, vel sericantiæ, siue iuris patronatus in manibus domini regis esse consueuerunt. ‡Vide Prærogatiua cap.3. Et Glanuil li.7.ca.9.fo.4.

¶Uardes.8. cap.17.

¶ Prouisum est insuper, quod si terra, quæ teneretur in foccagio, sit in custodia parentis heredi eo quod heres infra ætatem extiterit, custodi illi vastum facere non possunt, nec vendicionem nec aliquam destructionem de hereditate illa, sed saluo eam custodiant ad opus dicti heredi ita quod cum ad legitimum ætatem peruenerit, sibi redeant de exitu dicti hereditatis, per legalem computationem, saluis ipsis custodibus rationabilibus misis suis. Nec etiam possunt dicti custodes maritagium dicti heredis dare vel vendere, nisi ad commodum dicti heredis, sed parentes dicti heredi propinquiore, qui huiusmodi custodiam habuerint, a toto tempore illo a quo breuia non conceduntur implacitandi, huiusmodi custodias habeant ad commodum heredum ut predictum est, sine vasto, vel exilio, vel destructione facienda.

¶Amercement.1. cap.18.

¶ Nullus escaetor, vel inquisitor, aut iusticiarius ad assisas aliquas specialiter capiendas assignatus, vel ad querelas aliquas audiendum, & terminandum, de cetero habeant potestatem aliquam amerciandi pro defaulta communis summonitionis, nisi capiunt iusticiarius, vel iusticiarii itinerantes in itineribus suis.

¶Essoine

¶ *Essoine. 2. cap. 19.*

¶ De essonijs autem prouisum est, quod in com̄, hund, aut in curia baron, vel alijs curijs nullus habeat necesse iurare pro essonio suo warrantizand⁹ & vide Glanwill. li. 1. cap. 12. fol. 4.

¶ *Faux indgement. 1. cap. 20.*

¶ Nullus de cetero (excepto domino rege) teneat placitum in curia sua de falso iudicio facto in cur̄ ten suorum, quia huiusmodi placita specialiter spectant ad coronam, & dignitatem domini regis.

¶ *Repleuin. 1. cap. 21.*

¶ Prouisum est etiam quod si aueria alicuius capiuntur, & iniuste detineantur, vic⁹ post queremoniam inde sibi factam, ea sine impedimento vel contradictione eius qui dicta aueria ceperit, deliberare possit, si extra libertates capta fuerunt. Et si infra libertates capta fuerint huiusmodi aueria, & balliui libertatis, ea deliberare noluerint, tunc vic⁹ pro defectu ipsorum balliuorum ea faciat deliberari.

¶ *Freeholde. 1. cap. 22.*

¶ Nullus de cetero possit distringere libere tenentes suos ad r̄ndend⁹ de libero tenemento suo nec de aliquibus ad liberum ten suum spectantibus, nec iurare faciat libere tenentes suos contra voluntatem suam, quia hoc nullus facere potest, sine precepto domini regis.

¶ *Accompt. 1. cap. 23.*

¶ Prouisum est etiam quod si balliui, qui compotum suum dominis suis reddere tenentur se subtraxerint, & terras vel tenementa non

Marlebridge

non habuerint, per quę distringi possunt, tunc per eorum corpora attachientur, ita quod vicecomes in cuius balliua inueniantur, eos venire faciat ad compotū suū reddend'.

¶ *Uwardes 3. Cap. 23.*

¶ Item firmarij tempore firmarum suarum vastum, venditionem, vel exilium non facient de domibus, boscis, vel hominibus nec de aliquibus ad tenem quod ad firmam habent spectant, nisi specialem inde habuerint concessionem per scriptum conuentionis mencionem faciens quod hoc facere possunt. Quod si fecerint, & super hoc conuincantur, dampna plena restituant, & per misericordiam grauius puniantur.

¶ *Iustices in Eire. 1. cap. 24.*

¶ Iusticiarij itinerantes, de cetero non amercient villatas in itinere suo, pro eo qđ singuli xij. annorū non venerint coram vicecomitibus & coronatoribus, ad inquisitionem de roberiis, incendijs domorum, vel alijs ad Coronam spectantibus faciend'. Dum tamen de villatis illis veniant sufficientes, p quos inquisitiones huiusmodi plene fieri possunt, exceptis inquisitionibus de morte hominis faciend', vbi omnes xij. annorum venire debent, nisi rationabilem causam habeant absentiae suae.

¶ *Murder. 1. cap. 25*

¶ Murdrum de cetero non adiudicetur coram iusticiarij, vbi infortunium tantūmodo adiudicatum est, sed locum habeat murdrum de interfectis per feloniam tantū, & non aliter.

¶ *Voucher 1. cap. 26.*

¶ Prouisum est quod nullus, qui coram iusticiarij

Iustic' itinerantibus vocatur ad warrantū in placito terrā, vel teñ, amercietur de cetero, pro eo quod presens non fuerit quando vocatur ad warrantum (excepto primo die aduentus Iusticiař ipsorum) sed si ȝwarrantus ille fuerit infra comitat, tunc iniungatur vicecom, quod ipsum infra tertium diem, vel quartum (secundum locorum distantiam) faciat venire, sicut in itinere iustic. fieri consuevit. Et si extra comitat maneat, tunc rationabilē habeat summonitionem xv. dierum ad minus, secundum discretionem Iusticiař & legem communem.

¶ *Mainprise and Baile. 1. cap. 27.*

¶ Si clericus aliquis pro crimine aliquo vel retto quod ad coronā pertineat, arestatus fuerit, & postmodum per preceptum domini regis in ballium traditus ȝ fuerit vel replegiatus extiterit, ita quod hij quibus traditus fuerit in ballium, eum habeant coram Iusticiař, non amercientur de cetero illi quibus traditus fuerit in ballium, nec alij pleg. sui, si corpus suum habeant coram Iusticiař, licet coram eis propter priuilegium clericale respondere noluerit, vel non potuerit propter ordinarios suos.

¶ *Monasteries &c. 1. cap. 28.*

¶ Prouisum est, quod si deprædationes, vel rapini aliqui fiant abbatibus, prioribus, vel aliis prælatis ecclesiasticis, & ipsi ius suum de huiusmodi deprædationibus prosequentes morte, prauentantur antequam iudicium inde fuerint affecturi, successores eorum habeant actiones ad bona ecclesiæ suæ de manibus huiusmodi

Marlebridge.

modi transgredi repetend'. Similem insuper habeant actionem succ' de his quæ domui suæ & ecclesiæ hrecenter & ante obitū predecessorum suorum per huiusmodi violentiam fuerint subtracta, licet predicti predecessores sui ius suum prosecuti non fuerunt in vita sua. Si autem in terris, & tenementis huiusmodi religiosorum, de quibus eorum prelati obierint seisiit ut de iure ecclesiæ suæ, aliqui se intrudant tempore vacationis, successores sui b're habeant de seifina sua recuperand', & adiudicentur eis damna sua, sicut in noua disseifina adiudicari consuevit.

¶ *Entre of writtes. 1. cap. 29.*

¶ Prouisum est etiam, quod si alienationes illæ, de quibus breue de ingressu dari consuevit, per tot gradus fiant, per quot breue illud in forma prius visitata fieri non possit, habeant conquerentes breue ad recuperandum seifinam suam, sine mentione graduum, ad cuiuscunque manus per huiusmodi alienationes, res illa deuenerit, per breue originale, & per h' commune consilium domini Regis inde providendum &c.



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VWestm primer edit anno tertio

Edwardi primi.



Ceux sont les establissemens le roy Edward fittz le roy h. faitz a Westm, a son primer parliamt general apzès son coronement, lendemain de la cluse d Pasche lan de son raigne 3. p sō cōsēl, & p lassentments des archieuesqz, euesqz, abbes, priors, cōtēes, barons, & tout la comi= nalty de la terre illong sōmons. Pur ceo q nre s̄r le roy ad graund volunt & desier dī estate de son realme redresser en les choses ou mest est damendement, & ceo pur le comō profite de saint esglis, & de s̄son realme, & pur ceo q l'estate de son realm & de saint esgl ad eē malemt gard, & les prelats & religious de la fr̄e en mults des maners grieues, & le people autermt treit q est dūst, & la peace meins gard, & les leiez meīs bles, & les mis= felāts meins punes, q estre dūssent, p quoy les gents de la terre doubteront meins a misfaire, cy ad le roy ordein & estably, l's cho ses southscripts, les q̄ il entend deit pū= tables & couenables a tout le Realme.

¶ Monasteries. 1. Cap. 1.

¶ En primes voit le roy & command que la peace de saint d̄sglis, & de la terē, soit bñ gard & mainteign en tous points, & q com= mon droiture soit fait a tous, auxibñ as pouers, come as riches, sans regarde de nul.

luy

Westm. primer.

luy. Et pur ceo que les abbess et les meafōs
de religion de la terre, ont este surcharges et
greues, malement, per le venue des graūdes
gents et dauters, que lour biens ne sufficiēt
a eux mesmes per que les religions sont cy a
bates & impouers, quilz ne poient eux mes-
mes susteignē, ne la charge de charity quels
soient faire. Purueu est que nul ne veigne
manger, harbarger, ne giser a meason de re-
ligiō dauter auowson, q̄ de la laine, al cos-
tages de la meason, sil ne soit prie et requis
specialment per le gouvernour de la meason,
avant quil veigne. Et que nul a ses coltagez
demesne, ne en t̄, ne veignē giser encouter la
volūte ceux de la meafō. Et par cel estat nē-
tend pas le roy, que grace d̄ hospitality soit
sustreit as besoignes, ne q̄ les auowes dez
measons les puissent par lour souēt venues
surcharger ne destruer. Purueu est enseimēt
q̄ nul graund ne petit, per colour de parent
ou despecialty, ou p̄ dauter affiance, ne p̄ au-
ter encheson, ne courge en dauter parke, ne
peshe en dauter biuer, ne veigne manger ne
herberger, en meason, ne en manor ou, ē mea-
son de plate, ne de home d̄ religion, ne dautē
enconter la volūte le seignior, ou le bailif
de coltages le seignior, ne a sō colt demes-
ne. Et sil veigne, ou enter per le grē, ou
sās le grē le seignior ou le bailife, nul sarru-
re, huis, ne fenestre, ne nul maner d̄ ferme ne
faire ouerer, ne d̄ pecher per soy ne p̄ dauter
ne nul maner d̄ vitaille ne dauter chose, p̄eignē
par colour de achate, ne auterment. Et que
nul

nul face barter blæ ne pprendre blæ, ne nul
 maner de vitaille, ne les auſs bien, de nulluy
 prelats, home de religion, ne de auter, ne de
 clerk, ne de lay, per colour de achate, ne au-
 terment, encounter la bone volunte & le cō-
 ge de celuy, a que la chose serra, ou de gar-
 dein, deines ville marchandise, ou dehoys.
 Et que nul preigh chival, bofes, chares, ne
 charets, neefes, ne bateux ne auters choses
 affaire cariage, sans le bone volunte de ce-
 luy, a que les choses ferront. Et si il par la
 bone volunte de celuy le face, loys maynte-
 nāt face son grex solong le couenāt fait en-
 tre eux. Et ceux que btendront encoūter l's
 establiſhmēts auātdits, et de ceo soient at-
 taints, soiet aiudges a la pziō le roy, & dil-
 lonques soiet rētes, et punies solonques la
 quātitiē et le maner du trespas, et solonque
 ceo que la roy en la court veier que biē soit.
 Et soit assauer que si ceux, a que le trās fait
 fait, boillent suer les damages, que ils auē
 resceux lour serra agard et restore au double
 Et ceux que le trespas auerōt fait soient en-
 seinēt punies en le maner auātdit. Et si nul
 ne boile suer, eit le roi la suite, come de chose
 fait encounter son defence, & encounter la
 peace. Et le roy fra equire de an en an, si cōe
 il quidra que bein soit, quēx gents eient tiel
 trespas fait. Et ceux queux serrōt endites p
 ceux enquests, serrōt attaches & distreigh p
 la graūde distresse de bener a certayne iour,
 que cōteigne le space dune mois en la court
 si roy la ou luy plerē. Et si ceux ne beigh
 D. i. a cel

Westm primer.

a cel tour, ils serront auterfoits de recheffe
distreign per mesme diste, de vner a un aut
iour, que conteign le space de vi. semaines.
Et si ceux adonq ne veignent, soient adiud-
ges come attaints, & rendent le double
(per le suit del Roy) a ceux queux le dam
aueront receux, & soient greument rentes
solong le maner del trespas. Et le roy des.
& commaund, q nul desormes ne face male,
dam ne greuance a nul home de religion, p-
son de saint esglis, ne a auter p encheson de
ceo q ils eiont deny lostell, ou le manger a
nulluy, ou per encheson de ceo que ascun soy
pleint en court de ceo q il soit greue dez al-
choies auantdits, & si ascun le face, & de t
soit attaint, soit incurru le peine auandit.
Et est purueu q ces points auandits liēt
aux bien nous concelloz, iustices del for-
rest, & aut nous iustices, come auts gēts. Et
q les points auandits soient mainteignes,
gardes & tenus. cy defend le roy sur la greue
forfaiture, que nul prelate, abbe, prior, hōe
de religion, ou bailife dascun de eux, ou del
auter, ne resceiue nul home encounter la
forme auantdist. Et que nul euoy au mea-
son, ne au manoz de religion, ne de aut hom
gents, chivalx, ne chiens a soiozn ne nul flz
resceiue. Et q le fra, pur ceo que est encon-
ter le defence & le commaundement le roy, il
serra punis greument. Ancora est pur-
ueu que le biē ne herbergent oue nulluy, o-
uesq plus que v, ou vi. chivalx, ne q ils ne
greueuent la gēts d religiō, ne aut per lour
souē

sonent venire, ou giser a lour mesons, ne a lour manors.

¶ Clergy. 1. cap. 2

¶ Puruien est ensement que quāt clarke est prise pur rette de felony, & il soit demaund per lozdynary, il luy soit liuer, solonques le priuiledge de sanct esgils, en tiel paril come ils appent, solonque le custome anaunt les heures vse. Et le roy amonist les prelates & eux entoine en la foy q̄ ils luy doyent, & pur la comun profit de la peace de la terē, q̄ ceux q̄ sont edits de tiel rette p̄ solempne q̄sts des pbes hōes fait ē la court del Roy, en nul man ne les deliuerent sauns due purgacion, issint q̄ le roy neit mistre de mitter auter remedye.

¶ Escape 1. cap. 3

¶ Puruien est ensement, que nul rien de formes soit demaund, ne prise, ne leue per bicount, ne per aut, pur escape de laron ou felon, ielsque a tant que leschape soit adiudg per iustices errants. Et que autrement le ferra, cy rendra a celui, ou a ceux que cel aueront pay, quant q̄ il auer prise & rest & au roy au tant

¶ VVrecke 1. cap. 4.

¶ De wrecke de meere est accord, que la ou home, chien, ou catte escape viues hors de la niese, la niese ou batel, ou nul rien, que la eins fuit, ne soit adiudgē wrecke, mes soient les choses saues & gards p̄ le bien del biē, coron, ou al fēt del bailly l' roy, et baillies & l'z maiz ceux d' l' bill, ou l'z choses sont troues issint

D. ij.

troues issint

Westm primer.

Issint que si nul hſue les biens, & pait prouer
q̄ls hſoient ou a son seigneur, ou e la garde
peris, deins lan & le iour, sauns delay luy
soient rendus: si non, remaigne au roy, & soi-
ent prises per le viſ et coronoꝝ, et hbailes a
la ville pur respoigh deuāt iustices d̄ woꝛke
que appēt a roy. Et la ou woꝛke appent a au-
ter que au roy, si le eit per mesm le manner.
Et que auterment fra, & de ceo soit attaint,
soit agard al prison, et rent al volunt le roy
& rēdza les dam ensement. Et si le bailye le
face, & soit disauow de son sſr, et le sſr ne
ottrie de ceo a luy, respoigh le bailife si le eit
de quoy, & si neit de quoy, rendza le seignioꝝ
le coꝝps du bailife au roy.

¶ Election 1. cap. 5.

¶ Et pur ceo que elections doient estre
frankes, si defend le roy sur la griue foꝛfait
que nul haut home ne auter, per popar des
armes, ne per manaces, ne disturbe de faire
franke election.

¶ Amercement 3. cap. 6.

¶ Et que nul citie, boꝛough, ne ville, ne
nul home soit amerce sans reasonable eche-
son, & solong le quantity del tr̄ns, cest assa-
noire, francke home saue son contenement,
marchāt saue sō mchandise, & villen saue sō
gainage, & ceo p lour piers.

¶ Turniers 2. cap. 7.

¶ Des prises des Constables ou chaste-
leins faits des auters: que des gents de la
ville, ou la chasels sont assise. Purteu est
q̄ nul cōstabl ne castelain desoꝛmez nul man
de prise

de prise ne face dauter hom que de la vill' ou
sō chastel est assise, & ceo soit paye, ou græ
fait deins xl.ioures, si ceo ne soit auncient
prise due au roy, ou a chastell, ou al seignior
del chastell.

Beaupleder 2. cap. 8.

Et que nul rien soit pris pur beaupl's
come auterfoits fuit defendu en temps le
Roy Henry pier le roy que ore est. *Mark-*
bt cap. 11.

Robery 1. cap. 9.

Et pur ceo que la peace de la terre ad
estē seblement gard auant ses heurs, pur de-
faut de bone fuit fait sur les felons solōqz
due manner, & noseint p encheson des fran-
chises ou les felons sont rescenz. Puruieu
ē, q̄ toutz cōunent soiēt pristres, & aparails,
au commandement & a les summons des
biconts, et au crie de pais, de suer et arrestē
les felons, quant mest terra, auxibien deins
franchises come dehors. Et ceux que ceo ne
ferront, et de ceo soient attaints, le Roy p̄n-
dra a eux greuement. Et si defaut soit trou-
ē le s̄r de la frāchise, le Roy se p̄dra a m̄
le frāchise. Et si le defaut soit troue ē l' bail-
life, eit lēp̄isonm̄t dū an, et puis soit greue-
ment rent, & sil neit de quoy, eit leup̄isōm̄t
de 2. ans. Et si biē, coronoꝝ ou auter bailife
deis frāch. ou dehors, p̄ lower ou p̄ p̄ier, ou
per poies, ou p̄ nul mān daffinity, cōcelent,
consentēt ou procurent de conceler, les fe-
lonies faits en lour bailies, ou auterment,
se teignent attacher, ou arrestē l's misselatz

westm primer.

per la ou ils purē ou auterment se feignent
de faire leur office, en nul maner de fauour
des misselants, & de ceo soient attaints, que
ils eient lenprisonment dun an, & puis soi-
ent greument rents a le volent le roy, s'ils
eyent de quoy, si non, eient lenprisonment de
iij, ans.

¶ Coroners 1. cap. 10.

¶ Et pur ceo q̄ petitiz gentz meins sages
solent eslieus ore de nouel cōmunē al of-
fice d̄ corōn: et mestier serroit q̄ p̄robez hōes
loiaux & sages se entermellent de cel office:
¶ Durueu est, que per tous les counttes sol-
ent eslieus suffisant homes corōnoirs, des
plus loiaux et plus sages chiuallers, queux
melius sachent, puissent, et voient a cel of-
fice entend, & que loiaiment attachent et re-
presentent les p̄lēs de la corōne. Et que le
viē eieit counter rooles oue les corōners,
auxibien des appeals, cōe des enquests, de
attachements, ou des auters choses, q̄ a cel
office appendent. Et qul corōnoir riēs dōe ne
p̄reigh de nulluy pur faire son office, sur
paine de la greue for̄feiture le Roy. †14.
E. 1. stat Exon.

¶ Odio & atia 1. cap. 11.

¶ Et pur ceo que plusors reints d̄ mort
de home, & q̄ sont culpable de m̄ le mort sōt
per fauorables ēquests, p̄ises per viscōtz
et per bziese le roy que est appell odio & a-
tia) repleues, ielsques a le venue des iustices
errants. ¶ Durueu est, que tiel enquests soy-
ent desormes p̄ises p̄ p̄obes homes, eslieus
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¶ Et
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ment, for
terme q̄ h

pur serement, dount les deux solēt a meins
chivalers, q̄ p nul affinitie, touchēt a l's pri-
soners ne auterment ne soient suspeccious.

† Gloſ. ca. 9. W. 2. ca. 29.

¶ Felony. 4. Cap. 12.

¶ Pur ceu est ensemēt, q̄ lez felōz escriez
et queux sont appertment de male fame, et
ne soy boient mettre en enquestes des felo-
nies q̄ homes met sur eux denaunt iustices
a le suite le roye, soyent mises en la prysion
fort & dure, come ceux queux refusent estre
al comen ley de la terre. Mes ceo nest mye
a entend pur prisioners q̄ sōt prises pur le-
giēt suspeccion.

¶ Rape. 1. Cap. 13.

¶ Et le roy defend, que nul ne ravise ne
preign a force damesele deins age, ne p son
grē, ne sans son grē, ne dame ne damesel d
age, naut feme maugre le souen. Et si bi le
face, a le suite celuy que suera deins les xl.
iours le roy luy fra comen droiture. Et si
nul cōmence la suit deins les xl. iours l'roy
suera & ceux q̄ux il trouera culpables, ils a-
ueront la prisionmēt de ii. ans, & puis serrōt
rents a la volunte le roy, et s'ils neient dont
estre rents, soient punis per plus longe pri-
sonment, solonque ceo que le trespas de-
maund.

¶ Appeales. 2. Cap. 14.

¶ Et pur ceo q̄ hōe ad vie en ascū payes
de btlageē les gents appels d commaunde-
ment, force, eid, ou de receiptmēt, deins m la
terme q̄ home doit btlageē celuy q̄ est appel

D. iij.

de fait

westm primer.

De fait. Puruen est & commande p le roy, q
null ne soit btlage pur appell' de comman-
dement, force, aide, ou de resceiptment, ielsq
a taunt que lappellee del fait soit attaint,
issint q vn m ley soit de ceo per tout la terē,
mes celuy q boet appeller, ne lessa pas pur
ceo de attacher son appell', al prochein cou-
ty verz ceux, auxibiē com vers les appellees
du fait, mes lexi gēt de eux demarge tanque
les appeales de fait soient attaints p btlag
gaſ ou auterment.

¶ Mainprise. 2. Cap. 15.

¶ Et pur ceo que viscoûts et auls, queux
sunt prises & retenus en prison gēts rettes
de felon y et meint foits ount lesse p reple-
uin les gēts, queux ne sont my repleuisablz
et ont detenus en prison ceux qux sōt reple-
uisables, p encheason de gaigñ des vnz, & de
greuer les auters, et pur ceo que auant ces
heures ne fuit my determinē & certainē
queux gētes fussent repleuisables, & queux
non, forspzis ceux queux fussent prises pur
mort de home, ou per commandement le roy
ou de les iustices, ou pur la foreſt. Puruen
est, & p le roy commande, que les prisoners
queux sont auant btlages, et ceux qux epent
foziure la terē, prouours, et ceux queux sont
prises oue manoz, & ceux queux oūt debzuse
la prison le roy, larons apertmēt escryes &
notozies, & ceux que sont appellees des pro-
uours, tanqz come les prouours sont en vie
(sils ne soient de bone fame) & ceux qux sōt
prises pur arson feloniousment fait, ou pur
faux

faux money, ou fauxer de seale le roy, ou ex-
 cōmenge prise per priet leueles, ou pur ap-
 piert malueist) ou pur tresō, q̄ touche, l'roy
 mesme, ne soiēt en nul maner repleuisables
 per le common bziefe, ne sans b̄t, Mes ceuz
 q̄r sont enditez de larceny per ēquestz dez
 viscoits, ou des baillifes prises de lour of-
 fices, ou pur leger suspeccion, ou pur petit
 larceny, que namouint ouster le value de xij.
 deniers, q̄s ne soiēt rettes dauter larceny,
 devant cel heure, ou rettes de receiptint des
 larons, ou des felons, ou de commaundemt,
 ou de la force. ou del aide de le felon fait, ou
 rettes dauter trespass, pur le q̄l vn ne doit
 p̄dre vie ne membre, & home appell' de puour
 puis la mort le pronour, q̄l ne soit apiert la-
 ron escrie, soit desormes lessē per suffisant
 pleuin, devant le vicōt, dont le vicōt boit res-
 pond, & ceo sans riens don de lour biens pur
 la pleuin. Et si le vicōt ou aut lessent p̄ pleuin
 bil, q̄ ne soit repleuisable, si ceo soit vicōt, cō-
 stable, ou aut bailliffe de fēe que eit garde
 de prisons, & de ceo soit attainit, pard le fēe &
 baillie a tous iours. Et si soit south vicōt,
 cōstable, ou baillif, a celui q̄ ad tiel fēe pur
 garder les prisōs & eit ceo fait sans la volū-
 te son seignior, ou auter baillif q̄ ne soit de
 fēe eit lenprisonint de iij. āns & soit rēt a le
 volūte le roy. Et si bl detein les prisōers re-
 pleuisables, puis q̄ le prisōn eit offre suffi-
 sāt suert, il serē ē le greue mercy le roy. Et
 si p̄rent losōt pur luy deliuerer, il rendra le
 double au prisōer, et ensement serra en le
 greue

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greue mercy le roye ¶ de finibus levatis. 27.

¶ E. 1. cap. 13.

¶ Distres. 6. Cap. 16.

¶ En droit de t̄ q̄ ascū gents parnoūt, & prendre fount les auers des auts, & les chassent hors del coūty ou les auers fuerōt prises. Purueu est q̄ nul desozmez ne le faē. Et si bl. le face, soit greument rent solōque ceo q̄ est cōtenue en les estatutes de Harlebe ¶ cap. 4. & faits en tēps le roy H. pier le roy q̄ oye est. Et p̄ m̄ le man soit fait de ceux, q̄ux parnont les auers a tort, & q̄ux font distres en aut fœ, plus greuemēt soient punis, si lo maner de trespes le demaūd. ¶ Harlebydige 1. cap. 15.

¶ Distres. 7. Cap. 17.

¶ Purueu est ensement, q̄ si bl. desozmes preigh les auers des auts, & les face chasē chastell, ou au forcelet, et illong de deynes le close du chastel. ou de forcelet. les deteigh encounf gage & pledge, pur q̄ les auers seront solempnēnt dōbez p̄ visē, ou p̄ aut baille le roy a la suite del pl̄, le visē ou le baille prise oue luy power de sō coūtie ou de la baill, & boit assaier d̄ fair d̄ ceo rept̄ d̄s aūs a celui q̄ les auet prise, ou a son s̄r, ou as autē des homes son seignior quicunq̄ q̄ux sont troues en le lieu, ou les auers fuerōt chases. Et si home luy deforce adonq̄s de la deliuerance des auers, ou q̄l ne troue home pur le seignior, ou pur celui que les auer prise que respoigh & face le deliuerance. aps ceo que le seignior, ou parnour, per visē ou p̄ baillise,

baille, serra admonist de faire la deliuerance,
 si soit in pais, ou pzes, ou la ou il purt p le
 pernoir, ou per aus des fees couenablement
 estre garnie de fait le deliuerance, si fait hoiz
 de cel pais quant le prise fuit fait, & ne face
 adons maintenant les auers deliuer, que le
 roy pur le trespas et pur le dispite, face a-
 bate le chastele ou le forcelet sans recone, &
 toutz les dam q le pt auer rescene de sez a-
 uers, ou de son gainage desturbe, ou en auter
 maner puis le primer demaunde des auers
 fait per le vii ou per le baille, luy soit res-
 tores au double, de seignior ou de celui que
 les auers auer prise, si eit de quoy, & si neis
 de quoy, respoign le seignior q l heure, et in
 q l maner deliue soit fait apres ceo que le
 vii ou le baille serra venue pur la deliue-
 rance fait. Et soit assauoir que la ou le vii
 deue fait retourne del brieve le roy au baille,
 le seignior du chastele ou de forcelet, ou a aut
 a que retourne de brieve le roy appert, si le bail-
 le de cel franchise ne face le deliueranz, pu-
 is q le vii auer ref a luy fait, face le viscont
 son office sans delay, et sur lapauidist peiñ.
 Et per m le maner soit fait la deliuerans p
 attachement de pleint fait sans brieve, & sur
 m le paine. Et ceo face a entendre per tout
 la, ou le brieve le roy court. Et si ceo soit en
 la marche de Gales, ou ailors, la ou le brieve
 le roy ne court my, le Roy que est souverain
 seignior la, fra droit a ceux queux pleint
 le boudront.

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Iustices in Eire 2. cap. 18.

Pur ceo que la common fine et amercement de tout le county en eire des Justices pur faux iudgements, ou pur auter trespass, est assese p viē et barretoz des counties malement, issint q̄ la summe est meintfoits-ēcrue et les parcells auterment assese q̄ estre ne duissent, au dam des people, et plusoiz foites sont paies as bicoūts et barretoz, que ne point les acquitent. Puruiē est, et boet le roy, que desormes en eire des iustices, deuant eux deuāt lour departē soit tiel summe asses p serent de chiuals et des pbes hōes sur tous iceux que escorer deuerunt, et les Justices facent mitter les parcells en lour estreats q̄ ils liuerent al eschequer, et non pas la summe totall.

Dett al Roy 2. cap. 19.

En Dropt des viē ou aus q̄ respōnt per lour maines al eschequer, et queux ount restē de les detts le Roy pier le Roy q̄ ore est ou les detts le Roy m̄ avant ceux heures, q̄ ne ont my acquit de ceo les dettours al Eschequer. Puruiē est que le Roy enuolera bones gents per toates les counties a oier tous iceux, q̄ de ceo plein se bouzont, q̄ a termin issint la besoign, q̄ ceux que purront m̄er q̄ ils eient issint avant paies a tous iours hēnt serront quits, le q̄l q̄ les bicoūts ou auters serront morts ou viues, en certain forme q̄ lour serra bail, Et ceux q̄ issint naue fait, als soient en vies, serront pines greuemēt, Et als soient morts, lour heires

heires respoign, & soiēt charges de la dett. Et command le roy q les biconts, et l's auters auandits desormes loialment acquitēt les dettozs a prochein accompt, puis q ils aueront le dett resceiue: & donq soit le dett allowe al eschequer, issint q iāmes ne beigne en summoñ. Et si le biē auterment face, et de ceo soit ataint, cy rendra al p^r le treble d ceo q il auer de luy resceiue, et soit rent a le volunt le roy. Et bñ se gard chescun bicont q il eit tiel resceiuoz, pur q il boudra respōder: car le roy se prendra del tout as bicont, & a lour heires. Et si auter que respoign p la main al eschequer le face, il rendra le treble al plaintife, & soit rent en mesme le man. Et que les biē facent tailes a tous iceux, qur paieront le det le Roy. Et q la sūmōs deschequer a tous lez dettozs, queux demāder boudzont la vieu, facent monstrier sans denier les a nulluy, & ceo sāz riē p^rēdē de losor, et sās rien doñ, et q ne le fra, le roy se prendra a luy greusement.

¶ Forrestes 18. cap. 20.

¶ Durmieu est ensment de misseisozs ē parkes, & en biuers, que si vl de ē soit ataint p le sute del plaintife, soient agardes tones & haut amends, solonques le manner del trespas, et eit la prisonmēt de trois ans & dilong soit rent a le volunt le roy, si ad d quoy poit estre rent, et lozs troua ton suertie q il iāmes ne misface. Et si neit dont poit estre issint rent, apzès la prisonment d trois ans, troua mesm le suertie. Et si ne puisse

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puisse troner la suerty, forint la realme. Et
si bl de ceo rette soit fugitive, & neit terre,
ne tenement suffisant pur quoy il poit estre
iustifie, si court come le roy auera ceo troue
p bone enquest, soit demaund de county en
county. Et si ne beigne soit vtlage. Pur-
uieu est ensement et accord, que si bl ne su-
ist deins an & le iour pur le trespas fait, le
roy aia le suite, et ceux q il troue de ceo
retts per bone enquest, seront punes p m le
maner en tous points sicome de suis e dist.
Et si bl tiel misseisoz soit attaint, quil eit
prise en les parkes beasts domestices, ou aut
chose en la maner de robbery en venant ou de-
murrant, ou en retoznant, soit fait de luy
common ley, q affiert a celuy q est attaint de
appt robbery & larceny, auxibien a la suit le
Roy come dauter.

¶ VVardes 9. cap. 21.

¶ En droit des terres des heires deinz
age, q sont en le gard lour seigniors, pur-
uieu est, q les gardens les gardent, et suf-
teinent, sans destruction fait en tout rien:
& q de tiels manners de gards soit fait en
tous points solong ceo que est conteigne
la grand Charter des franchises fait e tēps
le Roy H. pier le roy q oze est ¶ M. C. ca.
4. 5. & 6. ¶ Et qui illint soit bse desozmes
et per m le maner soiēt gards les Archie-
uesq̄s, euesques, abbes, esglises & dignites
en temps de vacacion, ¶ Vide articul super car-
tas. cap. 18.

¶ VVardes

¶ VVardes 10. 22.

¶ Des heirs marries deins age, sans le
 gre de lour gardeins, auant q̄ ils auont pas-
 ses lage de xiiij. ans, soit fait solong ceo q̄
 est contenue in le purueiaunce de Hertton
 cap. vi. Et de ceux q̄ seront marries sans l'
 gre de lour gardeins puis q̄ ils aueront
 passes lage de xiiij. ās, le gardein eit le dou-
 ble value de son mariage, solong la tenore
 de mesme le purueiance. Ouster ceo ceux q̄
 aueront sustret le mariage, rendant le droit
 value del mariage al Gardein pur le tres-
 pas, & ialemeins le Roy eit les amends so-
 long mesme le purueiance de celui que le
 auet sustreit. sw. 2 cap. 35. Et des heires fe-
 males, puis q̄ ils aueront accomplies lage de
 xiiij. ans, & le seignior a que le mariage ap-
 pent celes ne boudra marier. mes pur coue-
 tise de la terre, les boudra tener dismarry.
 ¶ Durieu est que le seignior ne poit auer ne
 tener per encheson del mariage les terres a
 tiels heires femalz ouster deux ans apres
 la terme de lauantdist xiiij. ans. Et si le seig-
 nior deins les deux ans ne les marry, don-
 ques eiant els accion de recouerer lour he-
 ritage quietment sans rien done pur l' garb
 ou pur la mariage. Et si els pur malice, ou
 par malueis conseil ne se voient pur lour
 chiefe seigniors inarier, ou els ne sont dis-
 parages, q̄ les seigniors teignent la terf &
 la heritage ielsq̄ al age del infant male, cest-
 assauoir. xxi. ans. & ouster, ielsque ils eiant pri-
 ses le value del mariage.

¶ Des

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¶ Dette. 1. Cap. 23.

Curueu est ensemēt, q̄ en citie, burgh, vill, faire. ne ē marche, ne soit nul home forrein, q̄ soit de cest roialme, distreine pur det, dont il nest dettour ou pledge, et que le fra, serē greuousement punie, et sans delay soit le distresse deliuer per les bailifes du iyen, ou per auters baylyffes le Roy, si mestier soyt.

¶ Assise. 2. Cap. 24.

Curueu est ensemēt q̄ nul eschetour, visc, nauter baylliffe le roy per colour de sō office sans especial garē ou commaūdement ou certaine authozitie que appent a son office, ne disseise nul home de son frankē, ne de chose q̄ appent a son frankē. Et si aucune le fait, soit a la volunte le disseise, que le roy de son office le face amēder a son pleint, ou q̄ il eit la commō ley per brieve de Nouel disseisin. Et celui que serra de ceo attaint, rēd les dām a double a mesme le pl, et serē en le greuous mercy le roy.

¶ Champetrie. 1. Cap. 25.

Nul minister le roy, ne mainteine per luy ne per auter, les pices, poiss, ou besoignes queux sōt en la court le roy, des terres, tenementes, ou des auters choses, pur auer part de ceo, ou auter profit per couenāt fait Et que le fra soit punie a la volunte le roy

¶ Aide Champetrie. 11. C. 1.

¶ Extortion. 1. Cap. 26.

Et que nul visc, nauter minister Roy, ne preigne reward pur fais son office : mes soient

solēt pales de ceo q̄ils pernōt dī roy. Et q̄
le fra rendra le double al pl̄, et serra punie a
la volant le roy.

¶ Extorcion 2. cap. 27.

¶ Et que nul clerke de iustice, deschetor
ou dñquiroz, nul riē ne preigne pur liuerer,
chapiēs forpris solemēt clerks des iustices
errants in lour eyles, & ceo ij. s. et nient
plus de chescun wapentake, hundrede ou
bille, que respoigne per xij. ou per vij. solons
que ceo que auncientment fuit v̄le. Et qui
auterment le fra, rendra le treble de ceo q̄uil
auera prise, & perdra le seruice son. seignior
p̄ un an.

¶ Maintenance 1. cap. 28.

¶ Et que nul clerke le roy ne des iustices res-
ceiue desormes presentement del esglis, dont
plea ou conteke soiet en la court le roy, sanz
special conge le roy, et ceo defend le roy sur
payne de perdre les glis & son seruice. Et q̄
nul clerke de iustice, ne de bicount ne main-
taine parties en quarels, ne besoigns queux
sont en la court la roy, ne fraud ne face pur
common droiture delaier ou distarber. Et q̄
bl̄ le fait, il serra puny per la peine pchein-
ment auantdit, ou per plus greuous q̄ le
trespas le requiert.

¶ Disceit 1. cap. 29.

¶ Purueu est ensement que si bl̄ serieāt
couter, ou auter face bl̄ manner de disceit,
ou de collusion en la court le roy, ou consent
de faire la, ē disceit de la court, pur engin la
court ou la party, & de ceo soit attainit, lors
E. l. puis

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¶pnis fait la prisonnt dun an & vn iour, & ne soit ope e la court le roy a coust pur nul-
luy. Et si ceo soit auē q̄ coust p̄ mesme le ma-
ner eit la prison dū an et vn iour a tout le
meins. Et si le trespaz demāḡ greider peine
soit a volunt le Roy.

¶Extorcion 3. Cap. 29.

¶Et pur ceo que multz des gēts se pleg-
nent des serieants, criouts de fēe, et les
marshals des Justices en eyre. et d'autres
Justices, quelz parnent a tozre deniers de
ceux queux recoueront seisine del terre, ou
queux gaignont lour quereles, et de fine le-
ue et des iuroz, billes, prisoners, & d's au-
ters attachies en pless de la corone, auter-
ment que faire ne duissent, en multes des
maners, et de ceo quel ad plus graund num-
ber de ceux que estre ne duist, per que le peo-
ple est malement greuc: le Roy defend, que
celles choses ne soient desozmes faitz. Et si
vll serieant de fēe le face, office soit p̄zile en
le maine le Roy. Et si marshals des Justiz
le facent, soient punis greuement a la volūt
le Roy. Et a toutz les pleintifs lune & lau-
ter rendē le treble de ceo quilz auē p̄zis en
ceit maner.

¶Tolle. 1. Cap. 36.

¶De ceux q̄ux parnont outragious tol-
nef, enconter commē blage du royaume en
la ville merchandie. Purueu est q̄ si vll le
face en la ville le roy mesme, que soit bail a
fēe farne, le Roy p̄zendra le fraunchise del
marche en sa maine. Et si soit auter vll et
ceo

ceο soit fait per le seignior de mesm la ville,
le roy le fra per mesme le maner. Et sil soyt
fait per le bailife sans le commaundemēt le
seignior, il rendra al plaintif au taunt pur
le outragious prise, come il auoit prise de
luy, sil vlt importe son toine: & il auera pri-
son del xl. iours. Des citizens, & des burges
a que le roy ou son pere ad graunt murage
pur lour billes enclofer, & que tiel murage
parnent auterment que lour est grante, et
de ceο soient attaintes. Purueu est quilz
pardent cel graunt de toutz le temps q̄ ser-
ra a vener, et serront en le greuous mercy le
Roy.

¶ Purueiours. 3. cap. 31.

De ceux q̄ux parnēt bitail' ou nul ri-
ens al oeps le roy a creance, ou a garriso du
chastell ou aillours, et quant ils ont rescue
le paiment al exchequer, ou en Garderobe,
ou aillours, detaignont le paiment des cre-
ancers, a graūd damage de cux, & en esclau-
der du Roy. Purueu est de ceux queux ont
terres ou tenementes, que maintenant soit
ceο leue de lour terres ou de lour chateux, &
paies as creansers, oue les damages queux
ilz auerōt esue, & soiēt reints pur le trespas
et sils neient terres ne tenementes, soiēt en
le prison a la volūte le roy. De ceux q̄ per-
nōt parte des dettes le roy, ou auters lowa-
ers pernent des creansours le roy, pur faire
le paiment de mesmes cels dettes. Purueu
est quilz rendent le double, et soient punis
greuement a la volūte le Roy. Et de ceux
E. q. queux

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queux parnont chivals, ou charettes a faire le cariage le roy, puis que mestier serroit, & pernôt loswers pur trelesser les chivals, ou les charettes. Purueu est q si bli de la court le face, il serra greument chastice p les mareschalles, & si ceo soit fait hors de la court, & p bn del court ou per aut q de la court, & il tent soit atteint, il redra le treble, et seré en le prison le roy p xl. iours.

Countie & Tourne 3. Cap. 32.

C Purueu est, q nul bié ne suffe barretours ne maintenours des parols en coutees, ne senescalles des grandes seigniours, ne des auls (q ne soit atturney son seignour) a la suit faire, ne render les iudgements des countes, ne pronoucer les iudgements ou assent de faire les Justicements si ne soit especialmt prie et requise de toutes les sutours et les attournes des sutours, qur seront a la iourñ. Et si bli le face, l'roy le prendra greuousmt a bié, et a luy.

Newes. 1. Cap. 33.

C Pur ceo q plusours sôt souët troues in counte controuours des coutees, dont discords, ou maner de discorde ad este souët entre le roy et son peopl, ou ascūs d'ls hautes homes de son roialme, defendu est pur le damage q ad este, et que vncoze ent purra auenier, que d'lozmes nulk ne soit cy harde d dire ne d coust nulk's faux nouell ou cotroioz, dôt discords ou maner d discords, ou disclaudt puit surdye être le roy et sō peopl, ou les hautes homes de son roialme. Et qui
je

le fra soit pris, & detenus en prisō ielques a tant que il eit troue en courte celuy dont la parolle serra moue. § 2. R. 2. ca. 5. †

Arrest. 1. Cap. 34.

¶ Des hautes homes, & de lour bailiffes & des auters (forpris les ministers le roy, as quux especiall' auctoritie est donē d' ceo. fait) qui a le pleit des ascūs, ou per lour auctoritie demesne, attachēt autres oue lour bñs trespas passantes per lour poier a responder deuant eux des contractes, couenantes, ou de trñs faitz hors de lour poier, & lour iurisdiction, la ou ilz ne teignent riens de eux, ne deins la fraūchise ou lour poier est, en pñu dic. du roy, & de la corone, & a dam du people Parueu est que null' desozmes ne le face. Et si alē. le face, il rēdra a celuy, qui p cel encheson serē attache, sō dam au double, & serē ē le griue mercy le Roy.

Reasonable Ayde. 1. Cap. 35.

¶ Pur ceo que auant ceux heures ne fuit vnques reasonnable aid a faire leigne sūz chival ne a leigne file marier mise ē certein, ne quant ceo deueroit estre prise, ne q̄l heure, p quoy les vns leuerēt outragious aide, & pl⁹ tost q̄ ne semblerit mestre, dont la people se sentit greue: Parueu est que desozmes d' fce de chival entier solement soient dones xx. s. & de xx. li. de terre tenus p socage xx. s. & de plus, plus, & de meis, meins, solōq̄ lasserāt Et que nul ne puisse leuer tiel aide a faire sūz chivalier, t̄aque que son fñs soit del age de xv. ās ne a la file marier t̄aque que el soit del

¶.iii.

del

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Del age de vij. ans. Et de ceo serra fait men-
tion ē le bzief le roy fourm sur ceo quāt hōe
le boile demander. Et si aueign que le pier,
quant il aūa tiel eide leue de les tenants
morust auāt qī eit sa file marie, lez execu-
tours le pier soiēt tenus a la file, entant cōe
le pier auera resceu pur cest aide. Et si les
bns le pier ne suffisent, son heit soit de ē te-
nus a la file. † Glanville fo. 71.

¶ Assise. 3. cap. 36.

¶ Purueu est & accorō ensemt, que si hom
soit attain de disseisin, fait ē temps le Roy
si ore est, ouesqz robbery, de ascun maner de
chattel ou de mouable, et soit troue vers luy
per recognisās de assise de nouel disseisine, le
iudgemēt soit tiel, que l' p^r recouera sa seisin
& les dām, auxibien de chatel & de mouabl' a-
uantditz, come del soit. Et le disseisour soit
reint, le quel que il soit present ou nō, issint
qī (si soit presēt) primes soit agard a la pri-
son. Et per mesme le maner soit fait de dis-
seisin fait a force et armes, tout ne face home
robbery.

¶ Attaint. 1. cap. 37.

¶ Pur ceo que ascuns gents de la terre
doutent meins faux serement fait, que faire
ne duissent, per que mults des gentes sont
disheretes, et perdent lour droit. Purueu
est que le roy, de son office, desozmes donera
attaintes sur les inquestes en p^r de terre, ou
de franktenement, ou de chose que touche
franktenement, quāt il semblera que be-
soign soit.

¶ Limi-

¶ Limitacion. 2. cap. 38.

Et pur ceo que le tempz est mult passe puis que les brieves desouth nosmes fuerēt auterfoits limitts. Purueu est q en count countant de discent en brieve de droit, nul ne soit cy ose de count de la seisin son aunē de plus longe seisin q de tēps le roy R. vncle le roy Henry, pier le roy que ore est. Et q t brieve de nouel disseisin, & de purparty, q est appell, Nuper obiit, eiēt le terme puis le primer passage le roy Henry, pier le roy que ore est en Galcoigne, mes nemy auāt. Et les brieves de mozdauē, de colnage, de ayel, de entre, et brieve de neifrie, eiant le terme del coronement mesm le roy Henry, & nemy auant. Mes q tous les brieves ore a p mesm purchases, ou a purchaser, en cy et la feast Saint John en vn an, soient ples du tēps q auāt sollent estē ples.

¶ Voucher 2. cap. 39.

¶ Pur ceo que mults des gents sont deslaies de leur droit, p faurmt voucher a garant; Purueu est q en brieves de poll. tout adeprimes come en brieve de mozdauē, colnage, del aiel, nuper obiit, de intrusion & aus brieves semblables, p les queux terē ou tenements sont demaunds q deuoient discēd reuerter, remainder, ou eichier per mozdauē ou dauter, que si le tenaunt vouche a garant, et le demaundant lup counterpled, & voile auerrer per assise, ou per pais, ou en auter maner, sicome le court le roy agarde, q le tenant ou son aunē q heire il est, fuit le

E. liij.

primer

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primer qui entra apres la mort celui de qui
seisin il demaunde, soit le auerremēt del de-
maund rescu, si le tenant le voit attend, et
sinon, soit vote ouster a auter respōs si neit
son garrāty en presēt, qui luy voile garrā-
ter de son gree, & maintenant entrer en res-
pons, saue al demaūdant ses exceptionz en-
counter luy, si voile boucher ouster, come il
auoit auant, encounter le primer tenant. De
rechiese en toutz maners des brieses dentre,
qur sont mentio des degrees, purueu q'il n'y
nul de formes bouche hors d la line. Et en
auters brieses dentre, ou nul mention ē fait
de degrees, les qur brieses ne sont sustenus,
forsq la ou les auantditz brieses de degrees
ne poiēt giser ne lieu tener, & en hē de droit
Purueu est que si le tenant bouche a garrā-
tie, & le demaund le voile cōterpled, & soit
pris de auerrer per pais, que celui qui est
bouche a garrant, n'ne nul de ses auncesters
ne vnques auoient sein de la terre, ou del
teñ demaund, ne fē, ne seruice per la maine
le tenant, ou aucun de ses auncesters, puis
le temps celui de q sein le demaund counte
iesques al temps q le brieses fuit purchale &
plē moue, per q il soit le tenant ou sez aun-
cesters au fesse. A donques soit lauerremēt
del demaund rescu, si le tenant le voit atten-
der, & sinon, soit le tenant vote ouster a aut
respōs, si neit son garrantoz ē present, qui
luy voile garranter de son gree et mainte-
nant enter en respōs, saue al demaund sez
except encounter luy, sicome il auoit auant
encounter

Encoûter le primer tenant. Et lanantdit ex= ception eit lieu en bñe de mortdañt, & en les auters bñefes deuañt nosmes, auxibien cõe en bñefes queux touchent droit. Et si le te= nant per cas eit charter de garranty de aut home de ceo chose, & q soit oblige en nul des auant ditz cases a le garraty de, sõi eigñ de= gre, saue luy soit son reconet per bñefe de gar de charter de le chauncell le roy, quant il le boudra purchaser, mes q le plex ne soit pur ceo delay.

¶ Battaile and graund Assise. 1. Cap. 40.

¶ De serementz dez champions, est issint purueu : Pur ceo q rarement auient que le champion le demaundant ne soit perture en ceo quil iure que il ou son pier bñt la seisin son seignour, ou de son auncestour, & que sõi pere luy commañd a faire la darreign, q des= formes ne soit le champion le demaũdāt cõe= streint a ceo iurer, mes soit le seremt garb en tousz sez auters points.

¶ Essoine. 3. Cap. 41.

¶ Pur ceo que en bñefe dailise, battaints, & de iuris vtrum, les iurroz sont souet tra= uels per essoines des tenāts : Purueu est q del heñre q le tenant bn foites apparast en court iāmes ne puisse & le tenāt & le essoin, mes fair sõi atturney a suer pur luy, sil voit. Et si non soit lassise, ou le iury pñe per son default & sw. 2. ca. 28.

¶ Essoine. 4. Cap. 42.

¶ Pur ceo q les demaũb sont souent de= laies de tout droit, pur ceo que ou sont plu= sours

Westm primer

loz parreners tenātes, dont nul puit res-
poign sauns aut, ou q̄l ad plusours tenants
iointment feoffes, ou nul ne sciet sō seueral,
& ceuz tenantz souēt forchiēt p̄ essoīn, issint
q̄ chescun eit vn essoīn. Purueu est desoz-
mes, que ceuz tenaunts neiēt essoīn, forsq̄ue
a vn iour, nient plus que vn sole tenāt na-
ueroit, issint q̄ iammes ne puissent forcher,
forsq̄ tantsolement auer vn essoīn.

¶ Essoīn. 5. Cap. 43.

¶ Pur ceo que multes des gentes se font
fauxemēt essoīn de oustre mere, la ou ilz fue-
rent en Engleterre le iour de le summons:
Puruiē est desozmes, que cel essoīn ne soit
pas de tout allox, si le demaundant le chal-
lenge, & soit prist dauerrer quil fuit en En-
gleterre le iour q̄ le sūmons fust fait, & iii.
semaignes apzēs, mes soit aiourē en cest
forme, que si l' demaund sue a tiel iour auer-
mēt p̄ pais, ou si cōm la court le roy agardz
& soit attainē q̄ le tenant fust deins le quat-
meres. ¶ D'engleterre le iour q̄ il fuit som, et
trois semaynez apzēs, issint que il puit estre
reasonablement garny de la sūmōz, soit les-
soīn tuzne en vn defaut, & ceo fait a entend
tantsolement deuant les Justices le roy.

¶ Estreytes. 1. Cap. 44.

¶ De delaies en tous manerz dez brieuez,
& des attachementz est puruiē, q̄ si le tenāt
ou le defendant, apzēs le prim attachement
tesmoign, face defaut maintē soit le grand
dist agard. Et si vis ne respoign sufficiēt-
ment au iour, soit greuousemēt amerçy. Et
¶

sil mannd que il ad fait l'execution e due man-
ner, & lez issues valles as mainpours, addo-
ques soit maunde au vic. que il al auter iour
face venir l's issues deuāt iustices. Et si lat-
tachee beign a e iour a sauēt les defaut, eit
il les issues. Et sil ne beign, eit le roy les is-
sues. Et les Justices le roy les facent liue-
rer a la garderobe, et Justices del banke a
Westm les facent liuerer al eschequer, & iu-
stices en eire, au vic. de celt county ou ils
pledent, auxibien de cel countie come des fo-
reine counties, & de ceo soient charges e so-
mons per rolles de Justices.

¶ Justices of both benches. 1. cap. 45.

¶ Puruen est ensemēt, & per le roy com-
maunde, que les Justices de banke le roy et
¶ Justices de bank a Westminster desozmes
p pledant lesplees a terminer vn iour, a-
uaunt que rien soit arraine, ou commence
dez plees del iour ensuant forpris q̄ iour es-
soign soient entrees, iudges, et rendus, et p
encheson de ceo nul home se affie, que il ne
beigne au iour q̄ don luy est.

¶ Age. 1. cap. 46.

¶ Puruen est ensement, que si vl desoz-
mes purchase briez de nouel disseisin, & celuy
sur que le briez biēt, come principal disseisor
mourge auaunt que l'assise soit passe, que le
pl̄ eit son briez Dentre foundus sur dis-
seisin sur le heire ou sur ¶ les heires ¶ les dis-
seisors, de q̄ age que ils soient. En m̄ le man-
ait le heit, ou l's heires le disseise iour bres
Dentre sur les disseisors ¶ iour aūcestō, ou
iour

Westm primer

leur heires, de quel age q̄lz soiēt. Et si par aventure le disseise mourge auant quel eyt son purchase fait, issint que pur les nonages des heires dun part ne dauter ne soit le bief abatus, ne le p̄s delaye, mes en quauant que l'hom̄ poit sans ley offend, soit haste pur la fresh suit ap̄s le disseisin. Et ē m̄ le man̄ soit ē ceo point gard ē dēt d̄ plates, gēt̄z de religion, & auters, as q̄ux terres & tētez en nul maner puissent deuener ap̄z aut̄ mozt, le q̄l que ilz soient disseises, ou disseisourz. Et si les parties en pledant discendent en enquest & lenquest passa encouter le heire deinz age & nosmement encouter le heire le disseise, q̄ il ē ceo cas eit latteint de la grace le roy s̄s rien doner.

Prochine amy. 1. cap. 47.

Si garden ou chiefe seignior enfeffe bl' hom̄ de la terre que est del heritage del estat (qui est deinz age & en la gard) a le disheritance del heire: Purueu est, que le heir eyt maintenant son recouere per brieve de nouel disseisine vers son gardein, & vers le tenāt, Et soit la seisine baill' p̄ Justices, (si el soit recouēt) al p̄ochein amyc l'estat, a que le heritage ne purra my discend, pur approuer al oeps lenfant, & a responder dez issues al heir quant il biendra a son plein age. Et le gardein parde a tout sa vie la gard de m̄ le chose recouēt, & tout la rem̄ del heritage, q̄l tient ē nosme del heire. Et si aut̄ gardein q̄ chiefe seignior le face, parde le garde de tout cel chose si cel soitz h̄s soit ē griene paine euer̄s le

le roy. Et si lenfāt soit esloigne, ou disturbe
par le gardeine, ou per le feoffee, ou per aut
per q̄ il ne puisse la assise suer, sue pur luy
vn d ses pchein amies qui voudra, et soit a
ceo rescuee. *W. 2. ca. 15.*

¶ Dower. 2. Cap. 48.

En brief d dower dōt dame riēs nad
ne soit le brief abatus p exception dī tenant
pur ceo q̄l auera rescuee sō dower d auter
hōe auāt sō brief purchase, si ne puit mon-
stre que el eit rescue part d la dower de luy
mesme, et ē mesme la ville auant son briefe
purchase.

Prærogatiua regis. Cap. 49.

Et pur ceo que l'roy ad fait cel chose al
honour d dieu, et saint eglise, et pur le cō-
mō pfit d people, et pur l'allegeāce d ceux
q̄x sont greues, il ne voit my que auffoitz
puissēt turner a pindice de luy, ne de la co-
rōe, m̄s q̄ les droitz, qui a luy appteigh luy
soient saues en toutz pointes.

Assise. 4. Cap. 50.

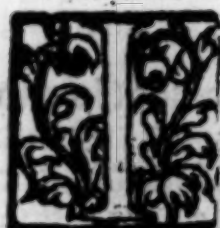
Et pur ceo q̄ graund charitie serē de
faire droit a tous en tout temps, ou mesre
serroit: Purueu est per assentment des pre-
lates, que assises de nouel disseisin, mozdau-
ceter, et de darrein presentmēt fuissēt pries
en le Aduēt en Septuagesime, & ē quaresm
auxbien com̄ le home pzent lenquestes.

& ceo pria le Roy as

Quelques.

Explicit statut de VWestm primer.

**Stat de Bigamis, editum Anni iiii.
Edwardi primi.**



IN praesentia venerabilium p^{ri}m quo-
rundam episcoporum Angl^e, & alio-
rum de consilio regis, recitatae fue-
runt constitutiones subscriptae, &
postmodum coram domino rege &
consilio suo audita & pub^licata, quia
omnes de consilio tam iustic^{ie}, quam alij concorda-
uerunt quod in scripturam redigerentur ad perpe-
tuam memoriam, & quod firmiter obseruentur.

Ayde de Roy. 1. cap. 1.

¶ De placitis ubi tenens excipit, quod sine Rege
respondere non possit, concordatum est per iustic^{ie}
& alios sapientes de consilio regni Domini regis,
qui consuetudines & usum iudiciorum hactenus
habuerunt, quod ubi feoffamentum factum fuerit
per regem, & charta sup hoc inconfecta t^{em} se ha-
beat^r quod si alia persona per consimile feoffame-
tum & consimilem chartam teneret ad warranc^{ie},
iustic^{ie} ulterius procedere n^{on} potuerunt, nec hucus-
que processerunt, nisi sup hoc preceptum a rege ha-
buerint, nec videre p^{oss}unt^r q^{uod} procedere possint.

Ayde de Roy. 2. cap. 2.

¶ In certis autem casibus, vtpote ubi Rex
confirmauerit, vel ratificauerit factum alicu-
ius in rem alienam, vel rem aliquam alicui
concesserit, quantum in ipso est, vel ubi charta
profertur, quod Rex tenem aliquod reddiderit,

nec clausula aliqua in ea contineatur, per quā warrantizare debeat, & in consimilibus casibus, non erit supersedend' occasione confirmationis, ratificationis, concessionis, seu redditionis, aut aliorum consimilium, quin postquam hoc regi fuerit ostens. sine dilatione procedatur.

¶ *Ayde de Roy. 3. cap. 1.*

¶ De dotibus mulierum ubi aliqui custodes hereditatum maritorum suorum custodias habent ex dono vel concessione regis, siue custodes rem petitam teneant, siue heredes dictorum tenementorum vocentur ad warrant, si excipiant, quod sine Rege respondere non possint, non ideo supersedeatur, quin loquela predicta prout iustum fuerit, procedatur.

¶ *Purpresture. 1. cap. 4.*

¶ De purpresturis, seu occupationibus quibuscunque factis super regem siue in libertatibus, siue alibi, concordatum est quod tempore regis H. definit erat & concordat, quod ubi occupatores superstitores fuerint, Rex de plano resumat sibi rem taliter occupatam de manibus occupantium, quod etiam de cetero in regno obseruetur. Et si aliquis de huiusmodi resumptionibus conqueratur, prout iustum fuerit audiatur.

¶ *Clergie. 1. cap. 5.*

¶ De bigamis quos Dominus Papa in consilio suo Lugdunensi omni priuelegio clericali priuauit, per constitutionem inde æditam, & unde quidam Prælati illos qui effecti fuerant
Bigam

Statut de bigamis.

Bigami ante predictam constitutionem, quando de felonia rectati fuerunt, tāquam clericos exigerunt sibi deliberandos, concordatum est & declarati coram rege & consilio suo, q̄ constitutio illa intelligenda sit q̄ siue effecti fuerint bigamisan̄es p̄dictam constitutionem, siue post, de cetero nō liberent̄ prelatis, immo fiat eis iusticia sicut de laicis.

voucher. 6. cap. 6.

¶ In chartis autem ubi continentur (dedi & concessi) tale tenementum sine homagio, vel sine clausula que continet warrantiam, & tenend' de donatoribus & hered' suis p̄ certum seruicium, concordatum est p̄ eosdē iusticiar' quod donatores & heredes sui teneantur ad warrantiam, Vbi autem continetur (dedi & concessi) &c. tenendum de capitalibus dominis feodi, aut de alijsquam de feoffatoribus vel heredibus suis, nullo seruicio sibi retento, sine homagio, vel sine dicta clausula f̄warrantiaz, heredes sui non teneantur ad warrantiam. Ipse tamen feoffator in vita sua ratione doni proprii teneat warrantizare. Prædictæ autem constitutiones editæ fuerunt apud westmonasterium in parlamento post festum sancti Michaelis. Anno regni regis E. filij regis H. iiii. & extunc locum habeat.

Explicit statut de bigamis.

Su

En du grace M. CC. lxxij. & del
 reign l'roy E. filz l'roy Henry vi.
 a Glocester le mois daugust, pur-
 ue ante m le roy, pur amendement
 de son roialme, & pur pluis pleiner exhibi-
 tion de droit sicome le profit doffice deman-
 de, appellees les pluis discrettes de son roy-
 alme, auxibien des griens come des mein-
 ders, establie est et concordantmt ordeine,
 que come mesme le roialme en plusours di-
 uers cases, auxibien des fraunchises come
 dauters choses, en les qls ley auant faillit,
 et a eschuer les tresgreues damages et les
 nient numerables dilherisōs, les quels icel
 maner defaut de ley fist a la gent du roialme
 eit mestier de diuers supplentions de ley, et
 de nouels purueiances : les estatutes, or-
 deinnements et purueiances suis escripts de
 tout la gēt de la roialme desormes soiēt fir-
 mement gardes, come pzelates, counties, ba-
 rōs, et ausi del roialme claimēt daver diūs
 fraunchises, et les qls examini et iudgeēt, le
 roy a mesmes les pzelates, counties, barons
 et autē, auoit done iour. Purueu est et cō-
 cordantment graunte, que les auantdites
 pzelates, counties, barones et autē, ēl ma-
 ner de fraunchise vlsent, issint q rien ne lour
 accrees per vsurpation, ou occupation, ne
 rien sur le roy occupiēt, iesqz al pchein be-
 nne le roy per le countie, ou a la procheyne
 venue

Glocester.

venue des Justices errants, as cōmon ples
en mesme le countie, ou iesques le roy com-
maunde auter chose, saue le droit le roy cōm
il en voudra parler, solongz ceo que il eut cō-
tenue en le bē le roy. Et de ceo soient maū-
des brieses as viscountes, bayliffes & auts
pur chescun demandant. Et soit la for̃m del
brieſe change, solongz la diuersité des fran-
chises, les quels chescū clame dauer. Et t̃s
viscountes per toutes lour baillies ferront
comunement crier, cest assauoir en cytyes,
burghes, & villes merchandes, & aillours q̃
touts ceux q̃ ascuns franchises claiment au
per les charters les predecessours le Roy,
royes Dēgleterre, ou en auter maner, soit
deuant le roy, ou deuant Justices en eper a
certaine iour & lieu, a monstrier quel maner
de franchises ils claiment dauer, & per quel
garrāt. Et les viscounts mesmes donqz ser-
ront illongz personnelment, ou lour baillifes
& ministers a certifier le roye sur les auant-
ditz franchises, & auters choses que celles
franchises touchent. Et cest crie dest̃ deuant
le roy conteigne garnisement de iij. semaig-
nes. Et en mesme le maner ferront les vis-
countes crier en oyer de Justices. Et en m̃
le maner ferront ils personnelment, ou lour
bayliffes & lour ministers, a certifier les
Justices de tiel maner de franchises, et
des auters choses que celles franchises tou-
chent. Et cest crie conteigne garnisement d̃
quarāte iours, sic come le common summons
cōtient: assint que si la party que clame dau
fran-

franchises, soit deuant le roy, ne soit pas mis
 en defaut deuant les Justices en euer, pur
 ceo que le roy de sa grace especial ad graunt
 que il gardera la party de damage, quant a
 cel aiournemēt. Et si cel party soit emplet
 sur tiels maners de franchises deuant un
 paier de iustices auantdits, mesmes les ius=
 tices deuant lez qur la party est en ple, gar=
 derent le pty de damage deuant auters ius=
 tices, & deuant le roy luy mesme, mesque il
 sache p les iustices, q le pty fuit en ple de=
 nant eux sicome il est auantdit. Et si ceux q
 tiels franchises claimēt auer, ne veignēt pas
 al iour auantdit, donqz soiēt les franchises
 en nosme de distresse prises en la main l'roy
 per le viscount del lieu, issint qils tiel maner
 de franchises ne vsēt, ielsqz ilz veigner a re=
 ceiuier droit. Et quant ilz veignent p el dis=
 tresse, leur franchises eux soiēt repleuies silz
 les demaünd, les quels repleuies respoignēt
 maintenāt en la forme auantdit. Et parad=
 nēture les parties exceptēt, qils ne debuēt=
 ment d'ē respond sans bfe original, dōqz sil
 puisse estre suer q eux de leur proper fait,
 eyent vsurpe ou occupie ascū franchises sur
 le roy, ou sur ses predecellours, dit leur soit
 q maintenant respoignēt sans bziese, & puis
 resceiuent iudgement, sicome le court le roy
 agardera. Et sils dient ouster, que leur aun=
 cester ou leur aūcesters de mesmes les frā=
 chises mozzont seises, soyent oyes, & main=
 tenant soyt le veritie enquisse, & solong ceo
 aillent les auant en le besoigne. Et sil soyt
 trouue

Glocester.

troue q̄ leur aūcester ent moꝝust seisie: dōq̄
eyt le roy bꝛief original de sa Chaūcery en
fourme fait de ceo: Le roy maund salut au
viscount, summones per bone summontoꝝ
vn tiel, que il soit deuant nous a tiel lieu en
nostre pꝛochein venue en cel countie, ou de-
uant nous Justices a pꝛimer assises, come
ils ē cels parties viendꝛont, a monstꝛer par
quel graunt il clame dauer quitance d̄ toꝝn
pur soy ou pur sez homez p̄ tout nostꝛ roy-
alme y cōtinuacion apꝛes la moꝝt tiel iadis
son pꝛedecessour. Et aĩs les summonours
& ceo bꝛe. Et si les parties veignent al iour
respoignent, & soit replie & iudge. Et s̄ls ne
veignent ne soy esloinēt deuant le roy, & si le
roy demurra ouster en cel countie, soit cō-
mand au viscount quil le face vener al quart
iour. A q̄l iour s̄ls ne veignent, & lꝛoy de-
murē ouster en cel countie, soit fait s̄come ē
eꝛze d̄ Justices. Et si le roy depart del cou-
tie, soient les parties aĩoznes a bꝛief iour, &
eient reazonables delayes, iuxte lꝛs discreti-
ons des iustices, s̄cōe en acciōs p̄sonall. Et
les Justices en eire facēt de ceo, en leur oy-
ers solongz loꝝdeinment auantdit, & solongz
ceo q̄ tiel man̄ d̄ p̄lēs debuient estē deduct.
En oier de plaints faits & affaires des bai-
lies lꝛoy & dauterz baillifs, soit fait solongz
loꝝdeinment auant fait de ceo, & solongz les
enquestes de ceo auant pꝛisez, & d̄ ceo serrōt
les iustices en eꝛze solongz ceo q̄ le roy leur
ad ēioint, & solongz les articles q̄ le roy leur
ad liuere, s̄vide tout ceo ē latin plz playne

30. E. 1 lestatute de quo warranto tñ fran-
chises 5.

¶ Dam 1. cap. 1.

¶ Come auant les heures damages ne
fueront agards en assise de nouel disseisin
forsqz tantsolement des les disseisors. Par-
ueu est, que sy les disseisors alient les tene-
ments & neient dont les damages puissent
estre leues, que ceux a que maines ceux te-
nements demendzont, soient charges des
damages, issint que chescun respoign de son
temps. Parueu est ensemblement, que le disseise
recouer damages en brieve dentre foundue
sur disseisin, vers celui que est trouue tenant
apres le disseisor. Parueu est ensemblement que
la ou auant les heures damages ne fueront
agardes en ple de mozdaucestoz, forsquez e
case ou tenements fueront recouers deus
chiefes seignioz & ceo fust p statut Warlb.
cap. 16. & que desozmes damages soit agar-
des en tous cases, ou home recouer per as-
sise de mozdaucestoz, sicome est auantdit en
Assise de nouel disseisin. Et en mesme le
maner reñ home damage en brieve de Cos-
nage, Apel, & Belaiel. Et la ou auant les
heurs damages ne fueront taxes, forques a
le value des issues de la terre: Parueu est
q le demaund puit reñ vers le tenat les col-
tages de son brieve purchase, ensemblement
ouelsqz les damages auantdits, Et tout ceo
soit tenu en tous cases, ou home recouer
damages. Et soit desozmes chescun tenu a
render damages, la ou home recouer vers

f. 17.

luy

Glocester.

loy de la intrusion demesne, ou de son fapz demesne.

¶ Age. 2. Cap. 2.

Esi enfant deyns age soit tenuz hors de son heritage apres la mort son pier, cosin, aiel ou besaiel, per que il rouiet quil purchace brieve, & son aduersarie beigne en court, & en respoignant alledge feoffement, ou aut chose dit, per que Justices agardent lenquest, la ou lenquest fuit delaye ielsqz al age lenfant, si passa oze lenquest auxi come il fuit de plein age.

¶ Varrantie. 1. Cap. 3.

Establisse est enseint, que si home alpeñ tenemēt, que il tient per le ley Dengleterre son fitz ne soit pas forbarre per le fapz son pier (de que nul heritage luy descend) a demander & reconuer per brieve de Mort dans cester de la seisin la muer, tout face le charater son pier mencion que luy et ses heires sont tenuz a la garē. Et si heritage luy descend de part son pier, donqs soit il forclose de le value del heritage, q luy est descendus. Et si en tiel case apres la mort sō pier, heritage luy soit descendus per mesme le pier, donqs auera le tenāt vers luy reconery de la seisin la muer, per brieve de iudgement que issers hors de rolles des iustices, deuant queux le plex fuit pleade, a resom sō garrantie, si come auant ad ester fait en auters cases, ou le garrantie vient en court, & dit que riens ne luy est descend de luy per q fait il est bouch. Et en mesme le manner ept lissue le fitz reconer per

per bziese de Cosnage, A pel, & besaiel. Ensemblement & en mesm le maner ne soit l'heire la femme apres la mort le pier & la mier, barē daccion a demaund le heritage la mier per bziese Dentre, que sō piet en temps la mier aliena, doist nul fin nest leue en court le roy.

¶ Cessauit. 1. cap. 4.

¶ Ensemblement si home lesse sa terre a fermi, ou a trouer estouers en viuer, ou en besture q̄ amount a la quart part de la veray value de la fre, & celuy q̄ la terē tient issint charge la lesselt giser freshe, issint q̄ home ne puit trouer distresse p̄ deux ans, ou per trois, a faire le ferme render, ou a faire ceo q̄ est cōtenue en lescript ou leas: establie est q̄ apres les deux ans passes eit le lessour action a demaūder la terē en deueign per bziese q̄ il auera en la chaūcery. Et si celuy, vers que la terre est demaūd, veign auant iudgemēt, et rend les arrearages & lez dami, & troua suerty tiel cōe la court verra q̄ soit suffisāt a rend en apz̄ solong, & ceo q̄ est cōtenue en lescript du leas, si reteign la fre. Et si demurēt tanque ele soit recouer per iudgemēt, soit il forz close a remenāt. ¶ W. 2. capitulo 21. et capitulo 41.

¶ VVaste. 4. Cap. 5.

¶ Ensemblement est puruien, q̄ home eit desormes bē de wast en le chācery d̄z hōe q̄ tient per le ley Dengleterre, ou en auter maner a terme de vie, ou des ans, ou feme q̄ tient en dower. Et celuy q̄ serē attaint de wast, p̄de
 F. liij. le chose

Glocester.

le chose que il auet waste: et ouster ceo face
gree del treble de ceo q̄ le wast ser̄ tape. Et
en wast fait en gard, soit fait solōq̄ ceo que
contenu est en la graūb charter cap. quarto.
Et per la ou il est contenu en la graūb chē,
que celui q̄ auet fait wast en gard, parb le
gard, accord est, quel rendra al heire lez dām
del waste si ilint soit q̄ la gard p̄due ne suf-
fist mie a le valoe des dām,, auant lage del
heire de m̄ le gard. .f. w. i. ca. 21. articuli sup
cart. cap. 18.

¶ Martdauncester. i. Cap. 6.

¶ Purueu est ensement q̄ si home murge,
& eit plusours heires, dont lū est f̄ts ou f̄t
frere ou soer, neveu ou niece, & les aūts sont
en plus long degre, tous les heirez desoz-
mes eient recouete per b̄riefe de mort daun-
cestour.

¶ Entre. 2. Cap. 7.

¶ Ensement si feme vend, ou done en f̄e,
ou a terme de vie, tēit q̄ ele tient en dower,
estably est q̄ le heir, ou aū, a qui la ter̄ de-
uerait reuert̄ ap̄s le decelle la fem, eit main-
tenant son recone per b̄riefe dent, fait de ceo
en la chauncery.

¶ Trespas. 1. Cap. 8.

¶ Purueu est ensement q̄ les viscōtz pleb
en counties lez plēs de trespass, auxi cōe ilz
soient estre pledes. Et q̄ nul neit desozmes
b̄riefes de trespass deuāt Justices, si ne af-
firme per soy, q̄ les biens emportes bailent
pl. s. al meins. Et si se pleint de batery, af-
firme per soy q̄ la pleint est veritable. Des
plaies

plaies; et des maïhemes, eit home brieſe ſi
come home ſoleit auer. Et graunt eſt. q̄ les
defend puiſſēt fait attoznieſ en tiels p̄lēs,
ou appell' ne giſt mie, iſſint que ſils ſoiēt at=
taints du treſpas en iour abſence, ſoit māñ
al biſt, q̄ ils ſoient p̄riſes, et eient adōq̄s la
peiſſ, q̄ ils aueront, ſils vſſēt eſtre p̄ſentez
q̄nt le iudgeñt fuit rendus. Et ſi les plein=
tiſes deſozmes en tiel tr̄ñs ſe facent eſſoine
ap̄s la p̄m̄ apparance, ſoit iour done ielq̄s
a la venue des iuſtices errants, & lez defend
en dementiers ſoient en peac̄ ē tielx p̄lēs, &
en auters p̄lēs, ou attachemēts & diſt̄ gi=
ſent. Si le defend ſe face eſſoiñ del ſeruiſe le
roy, et ne port ſon garrāt au iour q̄ doñ luy
eſt per ſon eſſoiñ, eſtable eſt que il rendra al
p̄ les damages de la tourne de xx. s. ou de
plus, ſolonḡ le diſcret dez iuſtices. & iade=
mains ſoit en le griue mercy le roy.

¶ Pardon. 1. Chap. 9.

¶ Durueieu eſt enſement, que nul brieſe ne
iſſ. deſozmes de le chaunce pur mozt d̄ hōe
denquerer ſi home occiſt aut per miſaduen=
ture, ou ſoy defēd, on en aut māñ pur feloñ,
mes celuy ſoit en p̄riſon ielques al venue
dez iuſtices errāts ou aſſign̄ a goal deliueſ
& ſe miſt en pais deq̄āt eur d̄ bñ & male. Et
ſi ſoit troue p̄ pais q̄ il le fiſt ſoy defendant
ou p̄ miſaduent, donq̄s fra les iuſtices aſſa=
uer au roy, & l' roy luy en fra la grace ſi luy
pleiſt. ¶ 1. ca. 11. ¶ Durueieu eſt enſement q̄
nul appell' ſoit abatue ſi legierm̄t cōe auant
adelle mes ſi lappellour cōunte le fait lañ
le iour

Glocester.

le iour, le heure, le tēps le roy, & la bill ou le
fait fuist fait, & de quel arme il fuist occise, le
estota l'appell, & iāmes ne soit l'appell abat⁹
p defaut de freshuit puis q hōe sue dedeins
lan & le iour apres le fait.

¶ Effoine. 7. cap. 10.

Come il soit contenue en lestatute le roy
q ore est W. 1. cap. 42. que deux parceners
ou deux queux teigne en comen, ne puissent
forcher per effoine, del heure quils ont vn
foits apparus en count. Puruien est q mes-
me ceo soit tenus et gard, per la ou home &
la feme sont enpledes en la court le roy.

¶ Disceipt. 1. cap. 11.

Puruien est ensement, q a home bailla
en la cite de Londres son tenement a terms
des ans, & celui a que le franktenement est,
se face empled per collusion, & face def. aps
def. ou beigne en court, & la boile rend pur
faire le termour perdre sō term, & le demā⁹
eit querele, issint q le termour puisse au re-
couere p brieve de couenant, le maior et les
baillifes puissent enquirer per bone vissi en
la ptesence del termour, & del demaundant,
le quel le demaundant mouest son ple⁹ p bon
droit quel auoit, ou per collusō & per fraud
pur faire le termour par⁹ son terme. Et si
troue soit per inquest, q le demandant mo-
uest son ple per bone droit quel auoit, a soit
le iudgement parforme maintenant. Et si
troue soit per inquest, q il luy empleda p fraud
pur tolier le termour son terme, si denmerge
le termour en sō tme, & l'execu⁹ del iudgem⁹
pur

pur le demandant soit suspendus, lesquelles
apres le terme passe. Et en mesme le maner
soit fait de equitie en tiel case deuant Jus-
tices, si le termour le challenge deuant iudge-
ment rendus.

¶ Voucher. 5. cap. 12.

¶ Duruieu est ensement que si home soyt
enplede de tenement en m la cite, & bouche
foyeisi a garrantie, q il beign en la chauncery
& eit brieve de son son garrant a cert iour
deuant Justices du banke, & un aut bte au
matoz & as baillifes, que ils surcellent en le
parol que est deuant eux per brieve, lesquelles
a tant que le parol de le garrantie serra ter-
mine deuant Justices du banke. Et qnt le
parol de la garrantie serra termine deuant
Justices de bank, donq serra dit au garnt q
il beign en la city de Lond a respoign d chief
ple. Et le dant p sa suit eit bt de Justices
de banke au matoz & as baillifs, qls voient
avant en le ple. Et si le dant recoñ verz le
tenant, beign le teñt as iustices de banke, et
eit bte au matoz & as baillifz, q si le teñt eit
la fre pd, q ilz facent extend la fre, et res-
lextent en bank a cert iour, & aps soit mand
au visc du pais ou le garrant fuist son, q
luy face auer de la ter le garrat a le value
¶ Vide articul Glocester correct. Anno no-
no Edwardi. 2.

¶ Estrepiement. 1. Cap. 13.

¶ Duruieu est ensement, que del heure q
ple serra meue en la city de Londres per bt,
que le tenant neit power de faire waste, ne
estrepiement

Glocester.

estrement du teneant q̄ est en dōe, pend le
ploz, Et si le face, le maif & les bailifs fa-
rent gard a le suit de le dōt. Et m̄ lordz &
statut soit gard en aus cities, bozonghs, &
ailoys p̄ tout le realme.

Dam. 2. cap. 14.

¶ Le roy graūt de la grace as citizens de
Lōdres, q̄ la ou auant ces heuers ceuz queuz
fueront disseises de leur francheteneant en
m̄ la cltie, ne poiēt reē leur dam̄ auant le
venue des iustices a la tower: q̄ desozmes i-
ceuz disseises eient leur dam̄ p̄ recognisans
de lassise, per le quel ilz recoūont leur tēts
& les disseisors soiēt am̄cies deuant deux ba-
rons deschequer, q̄x bn foits p̄ an biēd̄ en l'
city a ē faire. Et ceo soit maund a treasorer
et as barons deschequer, q̄ls le facent faire
chescun an p̄ ij. de eux a leur leuer apres la
chastideure. Et les amercem̄ts p̄ les somōz
del eschequer, soient leues al ops le roy, & al
Eschequer deliuers.

VVynes 1. cap. 15.

¶ Durueu est enlement q̄ le maif & l'z ba-
lifes auāt le venue de ceuz barons enquer-
gent des vines vendus enconter lassise, & le
plent ent deuāt eux a leur venu, & dōqz soi-
ēt am̄cies, la ou ils soiēt attēd̄ ielsqz a le ve-
nue des iustices errants. Dones a Glocest̄
le quart iour de October, lan du raigne le
roy Edward f̄its le roy H. 6.

¶ Explicit statutum de Glocester.

Explanationes

¶ Explanationes Stat. Gloc.

An. pred. Regis 6. adite.

Dostmodum per dominum Regem, & Iusticiarios suos factæ sunt quedam explanationes quorund' articulorum superius positorum.

Damages 3. cap. 1.

¶ Videlicet ad primum articulum, vt illi qui habent ingressum per disseisinam incurrant damna a tempore statuti publicati. Eodem modo de breuib' de ingressu super disseisinam. De damnis in omnibus breuib' mortis antecessoris, consanguinitatis, aui, vel proaui, de intrusione, vel de facto proprio, vel quodcunque breue, currant dāna post impetrationem breuis, contra eos qui tenuerunt per statutum, licet antecessores sui prius inde obierunt seisiiti.

Age 3. cap. 2.

¶ De inquisitione faciend', quæ tangit illos qui sunt infra ætatem, currat statutū sine temporis limitatione.

3 ¶ De terris alienatis per illos qui tenent per legem Angliæ, currat statutum de huiusmodi terris alienatis post statutum illud publicatum. Eodem modo currat statutum de terris vxoris alienatis per virum ybi finis in curia non est inde leuac.

Cessavit 1. cap. 4.

¶ De terris dimissis ad feodi firmam, reddendo inde per annum quartam partem veri valoris

Religiosis.

valoris earum, currat statutum, tam de terris, dimissis ante statutum editum, quam post, dummodo tenens detinuerit ultra duos annos post statutum editum, id quod soluere debuit dimissori per annum, iuxta scripte conuentionis illius.

¶ *Vaste. cap. 5.*

¶ De poena vasti, de omnibus (preterquem de dotibus & custodijs) intelligatur de vastis factis post statutum editum. Et de poena tripli in casibus vasti de dotibus & custodijs, intelligatur de vastis factis post statutum editum.

¶ *Entre. cap. 6.*

¶ De his qui alienant dotem suam intelligatur post statutum editum.

¶ Datū apud Glocest. die dominica, proximo post festum diui Petri ad vincula, anno R. R. E. 1. sexto.

Statutum de Religiosis, editum Anno vii, E. primi.

¶ *Mortmain. 3. cap. 1.*

CUm dudum prouisum fuerit, qd viri religiosi non ingrederentur feoda aliquorum, si ne licentia & voluntate capitalium dominorum feodorum de quibus feoda illa immediate tenentur, & viri religiosi postmodum nihilominus tam feoda sua propria, quam aliorum

aliorum hactenus ingressi sunt, ea sibi appropriando, & emendo, & aliquando ex dono aliorum recipiendo, per quod seruitia quæ ex huiusmodi feodis debentur, & quæ ad defensionem regni ab initio prouisa fuerint, indebitæ subtrahuntur, & capitales domini escaetas suas inde amittunt: Nos super hoc pro utilitate regni nostri congruum volentes prouidere remedium: de consilio prelatorum comitum baronum & aliorum fidelium regni nostri de consilio nostro existentium, prouidimus, statuimus, & ordinauimus, quod nullus religiosus, aut alius quicumque terras aut tenementa aliqua emere vel vendere, vel sub colore donationis, aut termini, aut ratione alterius tituli cuiuscunque, terras aut tenementa ab aliquo recipere, aut alio quouis modo arte vel ingenio sibi appropriare presumat, sub forisfactura eorundem per quod ad manum mortuam terræ vel tenementa huiusmodi deueniāt quoquomodo. Prouidimus etiam quod si religiosus aut alius cōtra præsens statutum aliquo modo arte vel ingenio venire præsumpserit, liceat nobis & alijs immediate capitali dominis feodi talis alienati illud infra annum a tempore alienationis huiusmodi, ingredi & tenere in feodo & hereditate. Et si capitalis dominus immediate negligēs fuerit, & feod' huiusmodi ingredi noluerit infra annum, tunc liceat proximo capitali domino immediat' feodi illius, infra dimidiū annū sequentem, feod' illud ingredi, & tenere sicut præd' est. Et sic quilibet capital' dñs immediate ingredi possint hōi feoda, si propinquior dñs immediat' ad ingrediend' huiusmodi feoda negligens fuerit,

Religiosis.

vt prædictum est. Et si omnes huiusmodi capitales domini huiusmodi feodi qui plenæ ætatis fuerint, infra quatuor maria, & extra prisonam, per vnum annum & dimidium negligentes fuerint, vel remissi in hac parte: Nos statim post annum completum a tempore quo huiusmodi emptiones, donationes, vel alios appropriationes fieri contigerit, terras & tenementa huiusmodi capiemus in manum nostrā & alios inde feoffabimus per certa seruitia nobis inde ad defensionem regni nostri facienda, saluis capitali dominis feodorum illorum wardis, releuijs, & escaetis, & alijs ad ipsos pertinentijs, ac seruitijs inde debitis & consuetis. Et ideo vobis mandamus, quod statutum prædictum coram vobis legi & de cetero firmiter teneri & obseruari faciatis. Teste me ipso apud Westminst. xiiij. die Nouembris. Anno regni nostri vij. & c. 6. M. C. cap. 36. VV. 2. ca. 32. & 33. & VV. 3. Anno 18. E. 1. cap. 4.

¶ *Explicit statutum de Relig.*

¶ Statutum de Aston Burnel

adit. Anno. xi. E. i.

¶ *Reconissance & stat. marchant. Cap. i.*

Pur ceo que merchauntes, queux anant
ceux heures ount prests lour auoir as
diners gēts, q̄ sōt chues ē pouertie, pur
ceō q̄ ils nauoiēt pas cy redy ley puruen, p
la quel ils poient lour dettes hastiuemēt re-
couerex

conuerter al iour de la paye assigne, & per icel
 encheson sont multz des merchâts lustretz
 de vender en cest terre oue lour merchandises
 as damz des marchants, & de tout le royaume.
 Le roy per luy, & per tout son conseil, ad ord=

daine & estable, que merchant que voit estre
 sure de son det, face vender son dettoz denât
 le Maioz de Londres, ou de Euerwike, ou
 de Bristolt, ou deuant le Maioz & un clerke
 que le roy a ceo atturera, a conuier la vt, et
 le iour d'paimēt soit la reconus. entre e roll
 de le maine le dit clerke que serra conue.
 Duster ceo le dit clerke face de la maine let=

tre obligat, a quel escripture soit mis l' seal
 le dettour, oue seale le roy que a t soit pur=

ueu, le ql seale demurra en le garde d' l' maioz
 & le clerke auantdit.

Et si le dettour ne luy rende al iour que luy
 est done ou assis, si veigne le creansour al
 maioz & al clerke oue la lettre oblyg. Et si
 troue soit per rolle ou per letter, que la det
 fuit conue, & que le ioure assis est passe, le
 Maioz per vieu des prudens homes, mayn=

tenaunt face vendre les mouables du dettoz
 come atteint d' la dette, sicome chateux bur=

gages deuifables, ielque a la somme de la
 dette, et les deniers soyent payes al crean=

sour. Et si le Maioz ne troue achatour,
 face p' reasonable price liuerer les mouables
 a creansour, ielque a la somme de la dett en
 allosaunce de le dett. Et a la vende, et la
 liuere d' burgages deuifables serra mys le
 seale le Roie auantdit, en pardurable tes=

G. j.

moign

Aston Burnel.

inoigne. Et si le dettour neit mouables & le
poier le maioz, dont le dett puré est leue,
eins eit aillors en la realme, donqz maundet
Maioz desouth le seale le roy auantdist al
Chaunceloz la conus. fait deuant luy & la-
uantdit clerke. Et le Chauncelloz maunde
briese al viē en q̄ bailly auet mouables le
dettoz. Et le viē face faire gree. al crean-
soz p̄ m̄ la forme, que le maioz le ferroit, &
les mouables le dettoz fussent en sō poier.
Et bien soy gardēt ceux, q̄ ot p̄aise l̄z b̄ns
mouables pur liuerer al creansoz, q̄ ilz met̄
reasonable p̄ice. Car s̄ilz les mittent trope
haut, en fauour del dettoz, al dām del creā-
soz, la chose p̄ice soit lyuer a ceux queux
laueront p̄aise p̄r la p̄ice q̄ ilz ēt ont mise
& mainteēt respoign̄ al creansoz de la dett.
Et si la dettoz boile dire, q̄ les b̄ns moua-
bles fuerōt vende ou lyuers pur meines, q̄
ils ne bailent, de ce ne purē il m̄y remede
auer, pur quoy q̄ le maioz ou le viē euent
loialment les biens mouables a celui q̄ pl̄
offert vendus, car il purra retier a luy m̄ a-
uāt la iour de la suit port, & les b̄ns moua-
bles auer vend, & p̄ les maines les deniers,
auoir leue, & ne boilet.

Et si le dettoz neit mouables, dōt la
det purē est leue, donqz soit son corps p̄ise
ou q̄ il serra trone, & en p̄ison tenue, ielsq̄
tant que il eit fait gre, ou les amiez pur luy
Et si nad, dont il poit estre sustenus & p̄i-
son, la creansoz luy tronera paine & eswe, q̄
ne morge en p̄ison pur defaulte, les queux
costages

costages le dettoz luy rend oue le det, anāt
q il issēt del prison.

¶ Et si le creansour soit marchāt estrāge
il demurra al costages le dettoz tout le tēp
q il demurt pur suer sa dette leuer iesque al
heure q les biens mouables le dettoz soient
vendus ou a luy lyuers.

¶ Et si le creansour ne se paie pas de la
suerty solement le dettoz. per q pledges luy
soient troues ou mainpernozs, si les mainp-
nozs, ou les pledges deigh deuant le maioz
et le dit clerke, & soy obligent per escriptur
& recognisance, & come auant est dist del
dettoz. En fin le manner q la dett ne soit
paia a iour assignē, soit fait lexecution s les
pledges et mainpernozs, come auant est dist
del dettoz. Et eyt le creansour recouery sur
les pledges & mainpernozs, come auant est
dit del dettoz.

Et issint ne pur quant que tanz com la
det puisse estre pleinement leue des biens
mouables del dettoz en le forme auantdit. Et
mainpernozs ou les pledges ne ciant dām,
mes en default des biens mouables du dett,
eit le creansour recouery sur ses mainper-
nozs ou sur les pledges en la forme, que
auant est dit del dettozs & l. Et a susteineir
les costages de l'auantdist clerke, si prēdra
le roy de chescun lyuer un denier, Cest esta-
blishement voit le roy que desozmes soit
tenus et garde per tout son realme de An-
gliterre, & ter quel gents q ē soit, q de leur
demesnē degre vouldōt cest recognisāz fais

Acton Burnel.

forprise Jhesus aux queux cest establihmēt
ne se-extend pas.

Et per cest establihmēt ne soit pas brief
de det abatus, et ne soient pas le Chaunce-
ler, Barons de leschequer, Barons de lun
bāke et de lauter, ou iustices errāts, forclos
de prendre recognusances des detts de ceuz
que deuant eux boudzōt faire. Mes l'execu-
cion des recognusances deuant eux ne soient
faitz en la forme auantdit, mes per la ley, et
les vsages, et les maners auante vses.

Done a Acton Burnel, le xij. iour
de October lan de nostre raigne

11. *¶* vide statuf de Her-
catoribus añ 13.

E. 1. ¶

Statutum de Westm. ij. edit. Anno xiii. Edwardi primi.

Cum nuper dominus Rex, in quindena san-
cti Iohannis Baptiste anno regni sui sexto,
conuocatis praelatis, comitibus, baroni-
bus, & consilio suo apud Gloc. quia plures
de regno suo exheredationem patiebantur,
eo quod in inultis casibus, vbi remedium apponi
debiuit prius, non fuit per predecessores suos, aut
per ipsum remedium prouisum, quedam statuta
populo suo valde necessaria & vtilia addidit, per
que populus suus Anglicanus & Hibernicus
sub suo regimine gubernatus, celeriore iusti-
ciam

ciam, quam prius, in suis oppressiōibus consecutus est, ac quidam casus, in quibus lex deficiebat remanserunt indeterminati & quidam ad reprimendam oppressiōem populi remanserunt statuenda. Dominus rex in parlamento suo, post Pascham, anno regni sui tertio decimo apud Westminster, multas oppressiōes populi, & legum defectus, ad suppletionem dictorum statutorum apud Gloucester editorum, recitari fecit, & statuta edidit, ut patebit in sequent.

¶ *Tailc 1. Cap. 1.*

¶ In primis de tenementis, que multociens dantur sub conditione, videlicet cum aliquis dat terram suam alicui viro & eius vxori, & hered' de ipsis viro & muliere procreatis, adiecta conditione expressa tali. Si huiusmodi vir & mulier sine hered' de ipsis viro & mulier procreato obiissent, terra sic data ad donatorem, vel ad eius heredem reuertatur. In casu etiam cum quis dat tenementum alicui in liberum maritagium, quod donum habet conditionem annexam, licet non exprimatur in carta doni, qui talis est. Quod si huiusmodi vir & mulier sine hered' de ipsis viro et muliere procreato obiissent, tenementum sic datum ad donatorem, vel ad eius heredem reuertatur. In casu etiam cum quis dat tenementum alicui, & hered' de corpore suo exeuntibus, durum videbat, & ad huc videtur, huiusmodi donatoribus & heredibus donatorum, quod voluntas donatorum ipsorum in donis suis expressa, non fuit prius, nec ad huc est obseruata. In omnibus enim predictis casibus post prolem suscitatum

G.lij.

suscitatum

westm̄ secund.

suscitatam & exeuntem ab ipsis quibus ten̄ sic conditionaliter fuit datum, hucusque habuerunt huiusmodi feoffati potestatem alienandi ten̄ sic datum, & exheredandi exitum eorum contra voluntatem donatorum, & contra formam in dono expressam.

Et preterea cum deficiente exitu de huiusmodi feoffatis, ten̄ sic datum ad donatorem, vel ad eius heredes reuerti debuit per formam in charta de dono huiusmodi expressam, licet exitus (si quis fuerit) obijisset per factum tamen & feoffamentum eorum, quibus ten̄ sic fuit datum sub conditione, exclusi fuerunt hucusque de reuersione eorundem ten̄torum, quod manifeste fuit contra formam doni. Propter quod dñs rex perpendens, quod necessarium & utile est in predictis casibus apponere remedium, statuit quod voluntas donatoris, secundum formam in charta doni sui manifeste expressam, de cetero obseruetur, ita quod non habeant illi, quibus ten̄ sic fuit datum sub conditione, potestatem alienandi ten̄ sic datum, quo minus ad exitum illorum, quibus ten̄ sic fuerit datum remaneat post eorum obitum, vel ad donatorem, vel ad eius heredem (si exitus deficiat) reuertatur, per hoc quod nullus sit exitus omnino, vel (si aliquis exitus fuerit, & per mortem deficiet) herede de corpore huiusmodi exitus deficiente. Nec habeat de cetero secundus vir huiusmodi mulieris aliquid in tenementum sic dato per conditionem, post mortem uxoris sue, per legem Angliæ: nec exitus de secundo viro & muliere successionem hereditariam: sed statim post mortem viri & mulieris, quibus

bus tēn sic fuit datum, post eorum obitum ad eorum exitum, vel ad donatorem, vel ad eius heredem (vt predictum est) reuertatur. Et quia in nouo casu nouum remedium est apponendum: fiat impetranti tale breue. Precepe A. quod iuste &c. reddat B. tale manerium cum pertinen, quod C. dedit tali viro, & tali mulieri, & hered' de ipsis viro & muliere exeuntibus: vel quod C. dedit tali viro in liberum maritagium, cum tali muliere, & quod post mortem predictorum viri & mulieris predicto B. filio eorundem viri & mulieris discendere debet per formam donationis predictę, vt dicit: vel quod C. dedit tali & hered' de corpore suo exeuntibus, & quod post mortem ipsius talis, predicto B. filio predicti talis discendere debet per formam donationis & &c. Breue per quod donator habet recuperare deficiente exitu, satis est in vsu in cancellaria. Et sciendum est quod hoc statutum quoad alienationem tenementi contra formam doni imposterum faciend', locum habeat, & ad dona prius facta non extendatur. Et si finis super huiusmodi tēn imposterum leuetur, ipso iure fit nullus. Nec habeant heredes huiusmodi, aut illi ad quos spectat reuersio (licet fuerunt plene etatis, in Anglia, & extra prisonam) necesse apponere clameum suum.

¶ *Replum. 2. Cap. 2.*

¶ Quia domini feod' distringētes testes suos, p seruijs & consuetud' sibi debis, multociēs grauantur
G. iij. per

westm secund.

per hoc, quod si cum si tenentes sui districtionem suam per breue, vel sine breue, replegiauerint ac cum ipsi domini (ad queremoniam tenentium suorum) ad com vel ad aliam curiam habentem potestatem placitandi placita de vetito namio per attachiam venerint, & rationabilem & iustam districtionem aduocauerint, per hoc quod tenentes disaduocant nihil tener nec clamant tenere de eo qui districtionem fecit, & aduocauit, remansit ille qui distrinxit in misericordia, & tenentes sui quieti, quibus pro illa disaduocatione per recordum com, siue aliarum curiarum, que recordum non habent pena infligi non potest. De cetero prouisum est & statutum, quod cum huiusmodi domini in com vel huiusmodi curia, iusticiam de huiusmodi tenentibus suis consequi non possint, quam cito attachiati fuerint ad sectam tenentium suorum, concedatur eis breue ad ponendum loquelam illam coram Iusticiarijs, coram quibus (& non alibi) iusticia huiusmodi dominis exhiberi poterit, & inserat causa in breui, quia talis distrinxit in feodo suo pro seruic' & cons. sibi debitis. Nec per istud statutum derogat legi communi vsitate, quod non permittit aliquod placitum poni coram iustic' ad petitionem defendent: quia licet prima facie videatur tenens actor, & dominus defendens, habito tamen respectu, ad hoc quod dominus distrinxit, & sequit' pro seruicijs & cons. sibi a retro existenti realiter apparebit potius actor, siue querens, quam defendens. Et ut in certo sint Iustic', de qua recenti seifina poterint domini aduoca-

re rationabilem distractionem super tenentes suos: de cetero concordatum est, quod rationabilis distractio poterit aduocari de seifina antecessorum vel predecessorum suorum, a tempore quo breue noue disseisine currit, § vide VV. 1. ca. 38. § Et quia aliquando contingit, quod tenens postquam replegiauerit aueria sua, aueria illa vendit vel elongat, quo minus retorum possit fieri domino distringenti, si adiudicetur. Prouisum est, quod vicecomes, vel balliui de cetero non recipiant a conquerentibus solummodo plegios de proseguendo, antequam deliberationem faciant de auerijs, sed etiam de auerijs retornandis, si adiudicetur retorum. Et si quis alio modo plegios cepit, respondeat ipse de precio aueriorum. Et habeat dominus distringens recuperare per breue, quod reddat ei tot aueria, vel catalla. Et si non habeat balliuus unde reddat, reddat superior suus. Et quia aliquando contingit, quod postquam adiudicatum fuerit distringenti, retorum aueriorum, & sic distractus, postquam aueria sic retornata iterum replegiauerit, & cum viderit distringentem comparentem in curia paratum sibi respondere, defaultam fecerit, ob quam iterum readiudicabitur distringenti retorum aueriorum, & sic bis vel ter & infinitum replegiabuntur aueria, nec habebunt iudicia curie regis in hoc casu effectum, super quo non fuit prius remedium prouisum: Ordinatum est in hoc casu talis processus, quod quam cito adiudicatum fuerit retorum aueriorum distringenti, per breue de iudicio, mandetur vice
quod

Westm̄ secund.

quod retornum habere faciat distringenti de auer-
ijs, in quo breui inseratur, quod vic' ea non deli-
beret sine breue: in quo fiat mencio de iudicio per
iustic' reddi: quod fieri non poterit, nisi per bre-
ue quod exeat de rotulis Iustic', coram quibus de-
duc' fuerit loquela. Cum igitur districtus h' adie-
rit iustic', & petierit aueria sua iterum sibi reple-
giari, fiat ei breue de iudicio, quod vic' (capta
securitate de proseguendo, & etiam de auerij
seu cattallis retornand', vel eorum precio, si ad-
iudicetur retornum) deliberet ei aueria, vel cat-
talla prius retornata: & attachietur ille qui di-
strinxit, ad veniend' ad certum diem coram iu-
stic', coram quibus placitum deducatur in pre-
sentia partium. Et si iterato ille, qui replegiaue-
rit aueria, fecerit defaltam, vel alia occasione adiu-
dicetur retornum districtionis iam bis replegia-
tum, remaneat districtio illa in perpetuum irreple-
giabilis. Sed si de nouo, & de noua causa fiat
districtio, de noua districtione seruetur processus
supradictus.

¶ Cui in vita. 1.

Cap. 3.

¶ In casu quando vir amiserit per defaltam
ten', quod fuit ius vxoris sue, durum fuit quod vx-
or post mortem viri non habuerit aliud recuperare
quam p' breue de recto. Propter quod dñs rex sta-
tuit, quod mulier post mortem viri sui habeat recu-
perare per b're de ingressu, cui ipsa in vita sua con-
tradidit nō potuit qd' in forma subscripta erit pla-
citad'. Si contra petitionē mulieris tenens excipiat,
qd'

quod habuerit ingressum per iudicium & comper-
tum fuerit, quod per defaultam, ad quod tenens ne-
cesse habet responderi, si ab eo queraur tunc ulterius
habet necesse ostendere ius suum secundum for-
mam brevis, quod prius impetrauit super virum
& uxorem. Et si verificare poterit, quod habuerit,
vel habet ius in tenimento petito, nihil capiat mulier per
breue suum. Quod si ostendere non poterit, recu-
peret mulier tenimento petatum, hoc obseruato, quod si
vir absentauerit se, & noluerit ius uxoris sue de-
fendere, vel si inuita uxore sua reddere voluerit si
uxor ante iudicium venerit, parata petenti respon-
dere, & ius suum defendere, admittatur vxor.
Eodem modo si tenens in dotem per legem An-
glie, vel aliter ad terminum vite vel per donum in
quo reseruatur reuertio, fecerit defaultam, vel red-
dere voluerit, admittantur heredes, vel illi ad
quos spectat reuersio, ad responsionem, si vene-
rint ante iudicium. Et si per defaultam, vel reddicio-
nem reddatur iudicium, tunc habeant heredes, vel
illi ad quos spectat reuersio, post mortem huius-
modi tenentium, recuperare per breue de ingressu:
in quo obseruatur idem processus, sicut predictum
est in casu ubi vir amittit per defaultam tenimento uxoris
sue. Et sic in casibus predictis due concurrunt ac-
tiones: una inter petentem & tenentem, & alia in-
ter tenentem ius suum ostendentem, & petentem. ¶
vide 20. E. 1. defensio iuris.

¶ Devor. 3. Cap. 4.

¶ In casu quando vir implacitatus de
tenimento

Westm̄ secund.

tē reddit tenementum petitem aduersario
 suo de plano, post mortem viri, iusticiarij ad-
 iudicent mulieri dotem suam, si per breue pe-
 tat. Sed in casu quando vir amittet per defal-
 tam tenementum petitem, si mulier post mor-
 tem viri petat dotem, & compertum est, quod
 per aliquos Iusticiarios adiudicata fuit dos muli-
 eri petenti, non obstante defalta quam vir suus
 fecit, alijs Iusticiarijs in contraria opinione existen-
 tibus, & contrarium iudicantibus, vt de cetero
 huiusmodi ambiguitas amputetur & sit in cer-
 to: Ordinatum est quod in vtroque casu au-
 diatur mulier, que dotem petit. Et si excipia-
 tur contra ipsam, quod vir suus tē, vnde
 dos petita est, amisit per iudicium, per quod
 dotem habere non debet, & si queratur per quod
 iudicium & compertum fuerit quod per defaltam,
 ad quod tenēs necesse habet respondere, tunc
 oportet tenentē vltius respondere, & ostendere
 quod ipse h̄ tenens h̄ ius habuit, & habet in pre-
 dicto tē, secundum formam breuis, quod te-
 nens prius super virum impetrauit. Et si ostende-
 re poterit, quod vir mulieris non habuit ius in tē,
 nec aliquis alius quam ipse qui tenet: recedat quie-
 tus, & vxor nihil capiat de dote. Quod si osten-
 dere non poterit, recuperet mulier dotem su-
 am. Et sic in casibus istis, & in quibusdam ca-
 sibus subsequēt.s. quando vxor dotata amit-
 tat dotem suam per defaltam, & tenentes in
 libero maritagio per legem Anglie, vel ad ter-
 minum vite, vel per feodum talliatum, con-
 currunt plures actiones. Quia huiusmodi
 tenentes

tenentes, cum oporteat eos petere tenementa sua per defaultam amissa, & cum ad hoc peruentum fuerit, quod tenens necesse habeat ostendere ius suum, non possunt ipsi, sine his ad quod spectat reuerſio, de iure respondere: & ideo concedatur eis, quod vocent ad warrantum secundum tenorem brevis, ac si essent tenentes in priori brevis warrantum habeant. Et cum warrantus warrantizaue- rit, procedat placitum inter illum qui seſitus est & warrantum, secundum tenorem brevis, quod te- nens prius impetrauit, & per quod recuperauerit per defaultam. Et sic ex pluribus actionibus, ad vl- timum perueniat ad vnum iudicium, videlicet ad hoc quod huiusmodi petentes recuperent pe- titionem suam, vel quod tenentes, eant quieti. Et si actio huiusmodi tenentis, qui necesse ha- bet ostendere ius suum, mota fuerit per breue de Recto, licet Magna assisa, vel duellum iun- gi non possunt per verba consueta, iungiſ ta- men possunt per verba satis apta. Quia cum tenens in hoc quod ostendar ius suum, quod ei competet per breue quod prius impetrauit & fit loco actoris, bene poterit warrantum defen- dere ius tenentis, qui loco petentis (vt dictum est) habet, & seſinam antecessoris sui offerre & defendere per corpus liberi hominis sui, vel ponere se in magnam assisam, & petere inde recognitionem fieri, vtrum ipse maior ius habeat in tenemento petito, an prædictus talis: vel alio modo iungi poterit Magna as- sa, et sic talis warrantus defendat ius &c. Et cognoscat seſinam antecessoris sui & ponit se
in

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In magnam alsisam &c. & petit recognitionem fieri, vtrum ipse maius ius habeat in predicto tenemento, vt in illo de quo feoffauit talem, vel quod talis remisit & quietum clamauit &c. an predictus talis &c. Cum aliquando contingat, quod mulier non habens ~~ius~~ petendi dotem hereditatis heredis aliquius infra etatem existens, impetret breue de dote super custodem & custodem per fauorem mulieris dotem reddiderit, vel defaultam fecerit, vel placitum ita fictum per collusionem defenderit, per quod dos huiusmodi mulieri (in preiudicium heredis) adiudicata fuerit: prouisum est quod heres, cum ad etatem peruenerit, habeat actionem petendi seisinam antecessoris sui versus huiusmodi mulierem, qualem haberet versus quemcunque alium deforciatorem, ita tamen quod salua sit mulieri versus petentem exceptio ostendendi, quod ius habet in dote sua, quod si ostendere poterit, recedat quiesca, & dotem suam retineat, & sit heres in misericordia, & amercietur grauiter secundum discretionem Iusticiariorum. Sin autem recuperet heres petitionem suam. Eodem modo subueniatur mulieri, si heres vel alius eam implacitauerit de dote sua, si dotem suam per defaultam amiserit. In quo casu sua defaulta non sit ei ita preiudicialis, quin dotem suam (si ius habeat) recuperare possit, & fiat ei tale breue. Precipe A. quod iuste &c. reddat tali, quae fuit vxor talis tantam terram cum pertinentijs in C. quam clamat esse rationabilem dotem suam, vel de rationabili dote sua, & quam predictus talis ei defor-

deforceat. Et ad istud breue habeat tenens exceptionem suam, ad ostendendum, quod mulier ius non habet in dote. Quod si verificare poterit, recedat quietus, alioquin recuperet mulier tenementum quod prius tenuit in dote. Et cum temporibus retroactis aliquis amisisset terram suam per defaltam, non habuit aliud recuperare quam per breue de recto, quod eis competere non potuit, qui de mero iure loqui non potuerunt, veluti tenentes ad terminum vite, vel per liberum maritagium, vel per feodum talliatum, in quibus casibus saluatur reuersio. Prouisum est quod de cetero non sit eorum defalta eis ita prejudicialis, quin statum suum (si ius habeant) recuperare possint per aliud breue quam per breue de recto. De maritagio amisso, per defaltam fiat tale breue. Precipe A. quod iuste &c. reddat B. manerium de C. cum pertinentijs, quod clamat esse ius, & maritagium suum, & quod predictus A. ei deforc. Eodem modo de teno ad terminum vite per defaltam amisso, fiat tale breue. Precipe A. quod iuste &c. reddat B. manerium de C. cum pertin., quod clamat tenere ad terminum vite sue, & quod predictus A. ei deforceat. Similiter quod clamat tenere sibi & heredibus suis de corpore suo legitime procreatis, & quod predictus A. ei deforc. &c.

¶ Adouuson 1. cap. 5.

Cum de aduocationibus Ecclesiarum non sint nisi tria breuia originalia, videlicet breue de recto, & duo de possessione, scilicet ultime pre-

Westm second.

presentationis, & quare impedit & hucusque vitatum fuerit in regno, quod cum aliquis ius presentandi non habens presentauerit ad aliquam ecclesiam, cuius presentatus sit admissus, ipse qui verus est patronus, per nullum aliud breue recuperare potuit aduocationem suam, quam per breue de recto quod habet terminare per duellum, vel per magnam assisam per quod heredes infra aetatem existentes per fraudem & negligentiam custodum, heredes etiam siue maiores, siue minores per negligentiam vel fraudem tenentium per legem Angliae, vel mulierum tenentium in dotem, vel alio modo ad terminum vitae, vel annorum, vel per feodum talliatum, multociens exheredationem patiebantur de aduocationibus illis, vel ad minus (quod eis melius fuit) ponebantur ad breue de recto, & in casu omnino exhereditati fuerunt hucusque. Statutum aut quod huiusmodi presentationes non sint huiusmodi rectis heredibus, aut illis ad quos post mortem aliquorum huiusmodi aduocationes reuerti debent, & ita preiudiciales, quin quotiescunque aliquis ius non habens, tempore huiusmodi custodiarum presentauerit, vel tempore tenentium in dote, per legem Angliae, vel alio modo ad terminum vitae, vel annorum vel per feodum talliatum, in proxima vacatione, postquam haeres ad aetatem peruenerit, vel aduocatio post mortem tenentium in forma predicta ad heredem plene aetatis existentem reuertetur, habeat eandem actionem & recuperationem per breue de aduocatione possessorum qualem

qualem haberet vltimus antecessor huiusmodi heredis plenam habens etatem, in vltima vacatione tempore suo accidente ante mortem suam, vel ante quam dimissio facta fuerit ad terminum, vel ad feodum talliatum, vt predictum est. Hoc idem obseruetur de presentationibus factis ad ecclesias de hereditate vxorum, tempore quo fuerunt sub potestate virorum suorum, quibus per istud statutum subueniatur, per remedium supradictum. Viris etiam religiosis, episcopis, archidiaconis, rectoribus ecclesiarum, & alijs personis ecclesiasticis per istud idem statutum subueniatur: si aliquis ius presentandi non habens presentauerit ad ecclesias domus siue prelatie, dignitati aut personatui spectantes, tempore quo vacauerint prelatie dignitates, aut personatus huiusmodi nec tamen ita large intelligatur istud statutum, quod, persone, ad quorum remedium statutum istud est editum, habeant recuperare supradictum, dicentes quod custodes, tenentes in dotem, per legem Angliæ, vel alias ad terminum vite, vel annorum, vel viri ficti defenderint placitum per ipsos, vel contra ipsos motum, quia iudicia in curia Regis reddita per istud statutum non adnihilentur, sed stet iudicium in suo robore quousque per iudicium curie ꝛ regis ꝛ tanquam erroneum (si error inueniatur) adnulletur vel assisa vltime presentationis, vel inquisitio per quare impedit si transierit per attinctam, vel per certificationem adnulletur, que gratis concedatur. Et de cetero vna forma placitandi in breuibus

H. j.

vltime

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ultime presentationis, & quare impedit, inter iusticiarios obseruetur, quo ad hoc quod si pars rea excipiat de plenitudine ecclesie per suam propriam presentationem, non propter illam plenitudinem remaneat loquela, dummodo breue infra tempus semestre impetretur, quanquam infra tempus semestre presentationem suam recuperare non possit. Et cum aliquādo inter plures clamantes aduocationem alicuius ecclesie pax fuerit formata inter partes, & irrotulata coram iusticiarijs in rotulo, vel finē sine sub hac forma quod vnus primo presentet, & in sequenti vacatione alius, & in tertia tertius, & sic de pluribus, si plures sint. Et cum vnus presentauerit, & habuerit suam presentationem, quam habere debet per formam conuentionis illius, & in proxima vacatione impediatur ille ad quem spectat sequens presentacio per aliquem qui fuit pars illius conuentionis, vel loco eius: statutum est quod de cetero non habeat huiusmodi impeditus necesse perquirere breue de Quare impedit, sed habeat recursum ad rotulum, vel ad finem. Et si in rotulo, vel in fine comperta fuerit predicta pax, vel conuentio, mandetur vic, quod scire faciat parti impediēti, quod sit ad aliquem breuem diem continentem spacium xv. dierum, vel trium septimanarum, secundum quod locus est propinquus vel remotus, ostens. (si quid sciat dicere) quare sic impeditus talem presentationem suam habere non debeat. Et si non venerit, vel forte venerit, & nihil sciat dicere, quare sic impeditus presentationem suam habere non debeat, ratione
ali.

alicuius facti post pacem factam, vel irrotulata-
 tam; vel chirographatam, recuperet presentati-
 onem suam cum damnis suis. Et cum contingat
 quod post mortem antecessoris sui, qui ad ali-
 quam ecclesiam presentauit personam, assignata
 fuerit illa aduocatio in dotem alicuius mulieris, vel
 tenenti per legem Angliæ, & tenentes in dotem,
 vel tenentes per legem angliæ presentauerint, &
 verus heres post mortem huiusmodi tenentium
 per legem Angliæ, vel in dotem, impediatur
 presentare, cum ecclesia vacauerit. Prouisum
 est, quod de cetero sit in electione impediti, vtrum
 perquirere velit per breue de Quare impedit, vel
 vltime presentationis. Hoc etiam de cetero ob-
 seruetur de aduocationibus dimissis ad terminum
 vite, vel annorum, vel ad feodū talliatum. Et de
 cetero in breuibz vltime presentationis, & Qua-
 re impedit, adiudicentur damna, videlicet si tem-
 pus semestre transierit per impedimentum alicui-
 us, ita quod episcopus ecclesiam conferat, & verus
 patronus ea vice presentationem suam amittat,
 adiudicentur dampna ad valorem Ecclesiæ de
 duobus annis. Et si tempus semestre non
 transierit, sed disrationetur presentatio infra
 tempus predictum, tunc adiudicentur damna
 ad valorem medietatis ecclesiæ per vnum annum.
 Et si impeditor nihil habeat, vnde restituere
 possit damna, in casu qñd episcopus confert eccle-
 siæ per lapsum temporis, puniatur per prisonam
 duorum annorum. Et si aduocatio disrationetur
 infra tempus semestre, puniatur tamen impeditor p
 prisonam

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prisonam dimidij anni. Et de cetero concedantur breuia de capellis, prebendis, vicarijs, hospitalibus, abbatijs, prioratibus, & alijs domibus quæ sunt de aduocationibus illorum, quæ prius concedi non consueuerunt. Et cum per breue indicauit, impeditur rector alicuius ecclesie, ad petendum decimas in vicina parochia, habeat patronus rectori sic impediti breue ad petend' aduocationem decimarum petitarum. Et cum districtionatum fuerit, procedat post modum placitum in curia Christianitatis, quatenus districtionatum fuerit in curia Regis. Cum aduocatio descendat peticipibus, licet vnus bis presenter, & vsurpet super coheredem, non propter hoc exclusus sit ille in toto qui fuit negligens sed alias habeat turnum suum presentandi, cum acciderit.

¶ Voucher 4. Cap 6.

¶ Cum quis petat ten' versus alium, & implacitatus vocauerit ad warrantum, & warrantus dedicat warrantiam, & diu pendeat placitum inter tenentem & warrantum, cum ad vltimum conuincatur, quod vocatus ad warrantum warrantizare teneatur per legem & cons. hætenus vsitatu, non fuit ante alia poena inflicta vocato, qui warrantiam dedixit, nisi tamen quod warrantizaret, & esset in m'ia quia prius non warrantizauit, quod durum fuit petenti quia multociens per collusionem inter tenentem & warrantum magnas sustinuit dilationes. Propter quod Dominus Rex statuit, quod sicut tenens amitteret tenementum petatum, si vocasset ad warrantum, & warrantus se posset

posset deuoluere de warantia, eodem modo amittat warantus si warantiam dedicat, & conuincat quod warantizare debeat. Et si inquisitio pendear in tenentem & warantum, & petens petat breue ad faciendum venire iuratam, concedatur ei &c.

¶ Admesurement de dover. 1. Cap. 7.

¶ Custodi de cetero concedatur breue de admesuratione dotis. Nec per sectam custodis si ficta & per collusionem sequatur versus mulierem tenentem in dotem, pcludatur heres cum ad etatem puenerit ad dotem admesurandam, secundum quod plegem Angliæ fuit admesurandum. Et tam in isto breui, quam in breui de admesuratione pasture, celerior quam prius de cetero sit processus, ita quod cum peruentum fuerit ad magnam distractionem, denē dies, infra quos duo com teneantur, ad quos publica fiat proclamatio, quod defendens veniat ad diem in breui contentum querenti responsurū. Ad quem diem si venerit, procedat placitum inter eos, & si non venerit, & proclamatio supradicto modo par vic' testificata fuerit, pcedatur per defaultam ad admesurationem faciendam.

¶ Admesurement de pasture. 1. Cap. 8.

¶ Cum per placitum motum per breue de admesuratione pasture, pastura fuerit admesurata aliquādo coram iustic', aliquā in com coram vic' multotiens contingit, quod post huiusmodi & admesurationem actam, iterum ponit ille, qui primo superoneravit pasturam, plura animalia quam ad ipsum pertinet habend',

H. iij.

Westm̄ second.

bend', nec super hoc hucusque prouisum fuisset remedium statutum est quod de secunda superoneratione fiat remedium congruenti sub hac forma, quod conquerens habeat breue de iudicio, si coram iustic' admensurata fuerit pastura, quod vic' in presentia partium pmonitarum (si interesse voluerint) inquirat de scd'a superoneratione. Que si inuenta fuerit, mandet iustic' sub sigillo vic', & sigillis iuratorum, & iusticiarij adiudicent conquerenti damna, & ponant in extractis valorem animalium que superonerat post admensurationem factam, posuit in pastura, ultra quod debuit, & extractas liberent baronibus de scaccario, vt inde respondeant domino reg. Si in com facta fuerit admensuratio, tunc ad instantiam querentis exeat breue de cancellaria, quod vic' inquirat super huiusmodi superoneratione, & de auerijis positis in pasturam ultra debitum numerum, vel de precio domino regi ad scaccarium suum rñdeat. Et ne vic' fraudem faciat domino regi in isto casu, concordatum est, quod omnia huiusmodi breuia de secunda superoneratione, q̄ exeunt de cancellaria irrotulentur, & in fine anni mittant transcripta ad scaccarium sub sigillo Cancellarij, vt videant thesaurarius & barones de scaccario qualiter vic' rñdeat de exitibus huiusmodi b'rum. Eodem modo irrotulentur b'ria de reddisseifina, & mittantur ad scaccarium in fine anni.

¶ Mesne. I.

Cap. 9.

¶ Cum capitales domini distringunt feodum suum pro consuetudinibus, & seruicijs sibi debitis

debitis, & medius sit qui tenentem acquietare debeat, cum non iaceat in ore tenentis postquam distractionem replegiauerit, dedicere demandam capitalis domini sui, qui aduocat in cur̄ regis iustam distractionem fieri super tenentem suum, viz super medium, multi per huiusmodi distractiones hucusque grauati extiterunt, per hoc quod medius (licet haberet per quod distringi posset) magnas fecit dilationes antequam ad cur̄ venerit ad respondendum huiusmodi tenentibus suis ad breue de medio, per hoc etiam quod durius fuit in casu quando medius nihil habuit, in casu etiam cum tenens paratus esset facere capitali domino seruicia & consuetudines exactas, & capitalis dominus seruicia & cons. sibi debitas renuebat percipere per manum alterius quam per manum proximi tenentis sui, & sic amiserunt huiusmodi tenentes in dominico, proficuum terrarum suarum aliquando ad tempus aliquando toto tempore suo, nec fuit antea aliquod remedium in hoc casu prouisum.

Ordinatum est & prouisum in hoc casu remedium in posterum sub hac forma, q̄ quam cito huiusmodi tenens in dominico habens medium inter ipsum & capitalem dominum distringitur, statim perquirat sibi tenens breue de medio. Et si medius habens terram in eodem com̄ diffugerit vsque ad magnam distractionem, detur querenti in bñ suo de magna distractione talis dies, ante cuius aduentum duo com̄ teneantur, & precipiatur vic' quod distringat medium per magnam distractionem, prout in breui continetur. Et

H. iiii.

nihil.

Westm̄ second.

nihilominus vic' in duobus plenīs cōm solem-
niter proclamare faciat, quod huiusmodi me-
dius veniat ad diem in breui contē, respon-
surus tenenti suo. Ad quem diem si venerit,
procedat placitum inter eos modo coniuncto.
Et si non venerit huiusmodi medius, amittat
seruicium tenentis sui, & amodo non responde-
at ei tenens in aliquo, sed (omissō illo medio)
respondeat capitali domino de eisdem seruicijs &
cons. que prius facere debuit predictus medius.
Nec habeat capitalis dominus potestatem distrin-
gendi & tenentes in dominico & dum predictus
tenens offerat ei seruicia debita & consueta.
Et si capitalis dominus exigerit plus quam
medius ei facere deberet, habeat tenens in hoc casu
exceptionem & versus dominum quam haberet
medius. Si vero medius nihil habuerit in po-
testate regis: nihilominus perquirat tenens
breue suum de medio, ad vic' illius cōm in
quo distringitur. Et si vic' mandauerit, quod
medius nihil habeat vnde potest summoneri,
nihilominus sequatur breue de attachiamento.
Et si vic' mandauerit, quod nihil habet per
quod potest attachiari, nihilominus sequat
breue de magna districtione & fiat proclama-
tio in forma predicta. Si vero medius non
habeat terram, in cōm in quo fit distractio,
sed habeat terram in alio cōm, tunc exeat
breue originale ad summoniendum medium, ad
vic' illius cōm in quo fit distractio. Et cum testifica-
tum fuerit per illum vic', quod nihil habet in
cōm suo, exeat breue de iudicio ad sum̄m medium,

ad

ad vic' illius com' in quo testificat' fuerit quod
habet ten', & fiat secta in illo com', quousque p-
ueniatur ad magnam districtionem & proclama-
tionem, sicut dictum est supra de medio ha-
bente terram in eodem com' in quo fit districtio,
Et nihilominus fiat secta in com' in quo nihil
habet (sicut dictum est supra de medio nihil
habente) quousque perueniatur ad magnam
districtionem & proclamationem, & sic post
proclamationem in utroque com' factam ab-
iudicetur medius de feodo & seruicio suo. Et
cum aliqu' contingat, quod tenens in domini-
co feoffatus est, ad tenend' s' de medio s' per mi-
nus seruicium quam medius facere debuit capitali
domino, cum post huiusmodi proclamationem
attornatus sit tenens capitali domino, medio
omisso, necesse habet tenens respondere capita-
li domino de seruicijs & cons. que medius ei
prius facere debuit, & postquam medius ve-
nerit in cur', & cognouerit, quod acquietat'
debet tenentem suum, vel adiudicetur ad ac-
quietand', si post huiusmodi cognitionem aut
iudicium querimonia perueniat quod medius
non acquietat tenentem, tunc exeat breue de
iudicio, quod vic' distringat medium ad ac-
quietandum tenentem, & ad essend' coram
iustic' ad certum diem, ad ostendend' quare
prius eum non acquietauit. Et cum per districtio-
nem venerit, audiatur querens. Et si querens
verificare poterit, q' ipsum non acquietauit, sa-
tisfaciat de damnis, & per iudicium recedat tenens
quietus de suo medio, & attornetur capitali
domino

Westm second

domino. Et si ad primam distinctionem non venerit, exeat bre de alia distinctione, & fiat proclamatio, & post quam testificatus fuerit procedatur ad iudicium, sicut superius dictum est. Et sciendum est, quod per hoc statutum non excluduntur tenentes, quin habeant warrantiam, si de tenementis suis implacitum, super medios suos & eorum heredes, secundum quod prius habuerunt, nec etiam excluduntur tenentes, quin sequi possunt versus medios suos, secundum consuetudinem prius usitatam, si viderint quod processus eorum plus valeat per antiquam consuetudinem quam per istud statutum. Et sciendum est, quod per istud statutum non providetur remedium quibuscumque medijs, sed solummodo in casu cum sit unus medius tantum inter dominum distinguentem & tenentem, & in casu quando medius ille est plene etatis, & in casu quando tenens sine prejudicio alterius quam medij attornare se potest capitali domino, quod dictum est pro mulieribus tenentibus in dotem, & tenentibus per legem Angliæ, vel aliter ad terminum vite vel per feodum talliatum, quibus pro aliquibus causis nondum est provisum remedium, sed (deo dante) alias providebitur.

¶ *Iustices en eyre. 3.*

Cap. 10.

¶ Cum in itinere iusticie proclamatum fuerit, quod omnes qui brevia liberare voluerint, ea liberent infra certum terminum, post quem nullum breve recipiatur, multi de hoc confidentes, cum moram fecerint usque ad predictum terminum, & nullum breve super eos fuerit liberatum

Liberatum, de licentia iustic' recedunt, post quorum recessum aduersarij sui ipsorum absentiam percipientes, breuia sua porrigunt in cera, que aliquando per fauorem, aliquando pro dono per vicecomitem recipiuntur, & illi, qui secure credebant recessisse, ten' sua amittunt: vt huiusmodi fraudi subueniatur in posterum, statuit dominus rex, quod iustic' in itineribus suis statuunt terminum quindene, vel mensis, minoris vel maioris termini, secūd' quod com' fuerit maior vel minor, infra quem terminum public' proclametur, quod omnes qui breuia liberare voluerint, ea liberent infra terminum illum. Et in aduentum illius termini certificet vic' capitali iustic' itineranti, quot b'ia habet, & que & quod vltra illum terminum nullum b're recipiatur: quod si receptum fuerit, processus per illud factus pro nullo habeatur: excepto quod breue cassatum durante toto itinere releuari poterit. Breue etiam d' dote de viris que obierint, al' seisciti infra summonitionem itineris, al' sise vltime 'presentationis, & quare impedit, de ecclesijs vacantibus, infra summonitionem predictam, quocunque tempore ante recessum iustic' recipiantur in itinere. Breuia etiam noue dissefine, quocunque tempore facta fuerit dissefina, recipiantur in itineribus iustic'.

(Attorney. 2.)

¶ Concedit dominus rex de gratia speciali, quod illi qui habent ten' in diuersis com', in quibus iustic' itinerant, vel de quibusdam ten' in com' in quo iustic' non itinerant timent implacita',
&

Westm second

& de alijs tē in cōm, in quo iustic' non itinerant, implacentur: vt coram iustic', apud westm, vel de banco domini regis, vel coram iusticiarijs ad assisas capiendas assignatis, vel in aliquo cōm coram vic', vel in aliqua cū baron, facere possint generalem attēnā ad proseguendum pro eis in omnibus placitis in itinere iustic' pro ipsis vel contra ipsos motis vel mouendis, durante itinere. Qui quidem attornatus, vel attorn, habeat potestatem in placitis motis in itinere quousque placitum terminetur, vel dominus suus ipsum amouerit, nec per hoc excusentur, quin sint in iuratis, & assisis coram eisdem iustic'.

¶ *Accompt. 2. cap. 11.*

¶ De seruiētibz, balliuis, camerarijs, & quibuscunque receptoribus, que ad compotum reddend' tenentur, concordat est & statutum, quod cum dominus huiusmodi seruiēti dederit eis auditores compoti, & contingat ipsos esse in arreragijs super compotum suum omnibus allocatis, & allocand', arrestentur corpora eorum, & per testimonium auditorum eiusdem compoti, mittantur & liberent' p'xime gaole domini regis in partibus illis & a vic' seu custode eiusdem gaole recipiantur, & carceri mancipentur in terris, & sub bona custodia, & in illa prisoa remaneant de suo proprio viuentes, quousque dominis suis de arreragijs plenarie satisfecerint. At tñ si quis sic gaole liberatus conqueratur, quod auditores compoti sui ipsum iniuste grauauerunt, onerando

onerando ipsum de receptis quæ non recepit, vel non allocando ei expensas aut liberationes rationabiles, & inueniat amicos, qui cum manucapere voluerint ad ducend' coram baronib. de scaccario liberatur eis, & scire faciat vicecom (in cuius pisona fuerit) domino qd sit coram baronibus de scaccario ad aliquem certum diem cum rotulis & alijs per quos compotum suum reddiderit, & in presentia baronum vel auditorum, quos assignare voluerint, recitetur compotus, & fiat partibus iusticia, ita quod si fuerit in arrearagijs, committatur Gaole de Fleete. vt supra dictum est. Et si diffugerit, & gratis compotum reddere noluerit, sicut in alijs statutis alibi continetur.

¶ Marlebf. cap. 23. ¶ distringatur ad veniendum coram iusticiarijs, ad compotum reddendum, si habeat per quod distringi possit. Et cum ad curiam venerit, dentur ei auditores compoti, coram quibus si fuerit in arrearagijs, & statim arref soluere non possit, committatur gaole custodiendū in forma predicta. Et si diffugerit, & testificatum fuerit per vic', quod non sit inuentus, exigatur de com in comitatum, quousque vtlagetur. Et sit huiusmodi incarceratus irreplegiabilis. Et caueat sibi vic', vel custos eiusdem Gaole, sius sit infra libertatem siue extra, quod per commune breue, quod dicitur replegiare, vel alio modo sine assensu domini ipsum a prisona exire non permittat. Quod si fecerit, & super hoc conuincatur, respondeat domino de damnis, per huiusmodi seruientem sibi illatis, secundum quod p patriā verificare

Westm̃ second

& de alijs tē in cōm, in quo iustic' non itinerant, implacentur: vt coram iustic', apud westm̃, vel de banco domini regis, vel coram iusticiarijs ad assisas capiendas assignatis, vel in aliquo cōm coram vic', vel in aliqua cur' baron', facere possint generalem attēnā ad proseguendum pro eis in omnibus placitis in itinere iustic' pro ipsis vel contra ipsos motis vel mouendis, durante itinere. Qui quidem attornatus, vel attorn', habeat potestatem in placitis motis in itinere quousque placitum terminetur, vel dominus suus ipsum amouerit, nec per hoc excusentur, quin sint in iuratis, & assisis coram eisdem iustic'.

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¶ De seruientibus, balliuis, camerarijs, & quibuscunque rectoribus, que ad compotum reddend' tenentur, concordat' est & statutum, quod cum dominus huiusmodi seruient' dederit eis auditores compoti, & contingat ipsos esse in arreragijs super compotum suum omnibus allocatis, & allocand', arrestentur corpora eorum, & per testimonium auditorum eiusdem compoti, mittantur & liberent' p'xime gaole domini regis in partibus illis & a vic' seu custode eiusdem gaole recipiantur, & carceri mancipentur in terris, & sub bona custodia, & in illa prisona remaneant de suo proprio viuentes, quousque dominis suis de arreragijs plenarie satisfecerint. At tñ si quis sic gaole liberatus conqueratur, quod auditores compoti sui ipsum iniuste grauauerunt, onerando

onerando ipsum de receptis quæ non recepit, vel non allocando ei expensas aut liberationes rationabiles, & inueniat amicos, qui cum manucapere voluerint ad ducend' coram baronib. de scaccario liberatur eis, & scire faciat vicem (in cuius persona fuerit) domino qd fit coram baronibus de scaccario ad aliquem certum diem cum rotulis & alijs per quos compotum suum reddiderit, & in presentia baronum vel auditorum, quos assignare voluerint, recitetur compotus, & fiat partibus iusticia, ita quod si fuerit in arrearagijs, committatur Gaole de Fleete. vt supra dictum est. Et si diffugerit, & gratis compotum reddere noluerit, sicut in alijs statutis alibi continetur.

¶ Marlebr̄. cap. 23. ¶ distringatur ad veniendum coram iusticiarijs, ad compotum reddendum, si habeat per quod distringi possit. Et cum ad curiam venerit, dentur ei auditores compoti, coram quibus si fuerit in arrearagijs, & statim arrear solvere non possit, committatur gaole custodiendū in forma predicta. Et si diffugerit, & testificatum fuerit per vic', quod non sit inuentus, exigatur de com̄ in comitatum, quousque vtlagetur. Et sit huiusmodi incarceratus irreplegiabilis. Et caueat sibi vic', vel custos eiusdem Gaole, siue sit infra libertatem siue extra, quod per commune breue, quod dicitur replegiare, vel alio modo sine assensu domini ipsum a prisoa exire non permittat. Quod si fecerit, & super hoc conuincatur, respondeat domino de damnis, per huiusmodi seruientem sibi illatis, secundum quod p patriā verificare

V Vestm̃ second

ficare poterit, & habeat dominus suum recuperare per breue de debito & versus custodem. § Et si custos gaole non habeat, per quod iusticietur, vel unde soluat, respondeat superior suus qui custodiam huiusmodi gaole sibi commisit, per idem breue.

¶ Appelles. 5. cap. 12.

¶ Quia multi per malitiam volentes alios gravare, procurant falsa appella fieri de homicidijs, & alijs felonijs, per appellatores nihil habentes, unde domino regi, pro falso appello, nec appellatis de damnis respondere possint. Statutum est quod cum aliquis sic appellatus de feloniam sibi imposita, se acquietauerit in curia regis modo debito, vel ad sectam appellatoris vel domini regis, iusticiarij coram quibus auditum erit huiusmodi appellum & terminatum, puniant appellatorem per prisonam unius anni, & nihilominus restituant huiusmodi appellatores damna appellatis, secundum discretionem iusticij, habito respectu ad prisonam vel arrestationem quam occasione huiusmodi appellorum sustinuerint appellati, & ad infamiam suam, quam per imprisonamentum vel alio modo incurrerunt, & nihilominus versus dominum regem graviter redimantur. Et si forte huiusmodi appellatores non habeant, unde predicta damna restituere possint, inquirat per quorum abbetum formatum fuerit huiusmodi appellum, per maliciam, si appellatus hoc petat. Et si inveniatur per illam inquisitionem, quod aliquis sit abettator per maliciam, per breue de iudicio, ad sectam appellati, distringatur ad veniendum coram

ram iustic. Et si legitimo modo conuictus fue-
rit de huiusmodi abetto per malitiam, puniatur
per prisonam, & s'teneatur ad restitutionem dam-
norum, sicut superius dictum est de appellatore. 6
vide anno 1.R. 2.ca. 13.

Effoigne. 8.

¶ Nec iaceat de cetero appellatori in appello de
morte hominis effoniū m. in quacunque curia ꝑv-
biꝑ appellum fuerit term inandum.

Inditements. I. Cap. 13.

¶ Quia etiam vic' multotiens fingentes aliquos
coram eis in turnis suis indictatos de furtis, & alijs
malefactis, capiunt homines non culpabiles, nec
legitimo modo indictatos, & eos imprisonant, vt
ab eis pecuniam extorqueant, cum legitimo mo-
do per duodecim iuratores non fuerint indictati.
Statutum est quod vic' in tornis suis, & alibi, cum
inquirere habeant de malefactoribus per precep-
tum regis, velex officio suo, per legales homines
ad minus duodecim faciant inquisitiones suas de
huiusmodi malefactoribus, qui huiusmodi inqui-
sitionibus figilla sua apponant, & illos quos per
huiusmodi inquisitiones inuenerint culpabiles, ca-
pian't & imprisonent, secundum quod alias fieri
consuevit. Et si aliquos aliter imprisonauerint,
quam per huiusmodi inquisitiones indictatos, ha-
beant huiusmodi imprisonati accionem suam per
breue de imprisonamento versus Vicecomitem,
sic vt haberent versus quamcumque aliam per-
sonam, qui eos imprisonaret sine VVarranto,
Et

V Vestm̃ second

Et sicut dictum est de vic', obseruetur de quolibet balliuo libertatis.

VVast 5. cap. 14.

¶ Cum de vasto facto in hereditate alicuius per custodes, tenentes in dotem, per legem Angliæ, vel aliter ad terminum vite, vel annorum, cōsueuerit fieri breue de prohibitione vasti, per quod breue multi fuerunt in errore, credentes quod illi qui vastum fecerint, non habuerint necesse respondere nisi tamen de vasto facto post prohibitionem eis directam, dominus rex (vt huiusmodi error de cetero tollatur) statuit, quod de vasto quocunque ad nocumēt alicuius facto, non fiat de cetero breue de prohibitione, sed breue de summonitione, ita quod ille de quo queritur respondeat de vasto facto quocunque tempore. Et si post summonitionem non venerit, attachietur, & post attachiamentum distringatur, & post districtionem, si non venerit, mandetur vic', quod in propria persona, assumptis secum xij. &c. accedat ad locum vastatum, & inquirat de vasto facto, & retorner inquisitionem. Postquam retornata fuerit inquisitio, procedatur ad iudicium, secundum quod continetur in statuto prius edito apud Gloc'. cap. 5. de vasto 20. E. 1.

Trochein amy 2. cap. 15.

In omni casu quo minores infra etatem implacitare possunt, concessum est, quod si huiusmodi minores elongati sint quo minus personaliter sequi possint, propinquiore amici admittantur ad sequendum pro eis, VVestm̃. 1. cap. 47.

VVards

Uwardes 11. cap. 16.

¶ In casu quo alicui minori descendat hereditas ex parte patris, qui tenuit de vno domino, & ex parte matris que tenuit de alio domino, dubitatio hucusque extitit de maritagio huiusmodi minoris, ad quem de duobus dominis pertineat, concordatum est quod ille dominus de cetero habeat maritagium, de quo antecessor suus prius fuit feoffatus, non habito respectu ad sexum, nec ad quantitatem tenementi, sed solummodo ad antiquius feofamentum per seruicium militare.

Essoins. 9. Cap. 17.

¶ In itinere Iustic' non admittatur de cetero effsoniū de malo lecti, de tenemento in eodem com, nisi ille qui se facit effsoniari veraciter sit infirmus, quia si excipiat a petente, quod tenens non est infirmus, nec in illo statu quo minus venire potuit coram iusticiarijs, admittatur eius calumnia. Et si hoc per inquisitionem conuinci poterit, veratur illud effsonium in defaltam. Nec fiat de cetero illud effsonium in breui de recto inter duos clamantes per eundem descensum.

Execution. 2. Cap. 18.

¶ Cum debitum fuerit recuperatum, vel incuria Regis recognitum, vel dampna adiudicata, sit de cetero in electione illius qui sequitur pro huiusmodi debito, aut dampnis, sequi breue q' vic' fieri faciat, de terris & catallis debitoris, vel q' vic' liberet ei omnia catalla debitoris (exceptis bobus & affris caruce) & medietatem terræ sue, quousque debi' fuerit leuat' per rationabile precii & extent.

I. j.

Westm̄ secoud.

extent. Et si eiiciatur de illo tenemento, habeat recuperare per breue noue disseisine, & postea per breue de redisseisina, si necesse fuerit.

Ordinaries. 1. Cap. 19.

¶ Cum post mortem alicuius decedentis intestati, & obligati aliquibus in debito, bona deueniant ad ordinarium disponendum, obligetur de cetero ordinarius ad respondendum de debitis quatenus bona defuncti sufficiunt eodem modo quo executores respondere tenerentur, si testamentum fecisset.

Cofinage. 1. Cap. 20.

¶ Cum Iusticiarij in placito mortis antecessoris consueuerunt admittere responsionem tenentis, & petens non est propinquior heres antecessoris, de cuius morte tenens petitur, & hoc parat est per assisam inquirere. Concordatum est, quod in breuibus de consanguinitate, auo & prauo, que sunt eiusdem naturæ, admittatur illa responsio, & inquiratur, & secundum illam inquisitionem ad iudicium procedatur.

Cessavit 2. Cap. 21.

¶ Cum in statuto edito apud Gloucestre ca. 4. contineatur, quod si quis dimiserit terram alicui ad reddendum valorem quarte partis tenementi, vel maioris, habeat ille qui dimisit, vel eius heres (postquam cessatum fuerit a solutione per biennium) actionem petendi ten sic dimissum in domino. Eodem modo concordatum est, quod si quis detineat domino suo seruitium debitum & consuetum per biennium, habeat dominus actionem petendi ten in domino per tale breue. Precipe A q
iuste

iuste &c. rdedat B. tale tē, quod A. de eo tenuit p̄ tale seruitium, & quod ad predictum B. reuerti dz eo quod predictus A. in faciendū predictum seruitium per biennium cessauit, vt dicit. Et non solum in isto casu, sed in casu de quo fit mentio in predicto statuto Gloc', fiant breuia de ingressu heredi petenti super heredem tenentem & super eos quibus alienatum fuerit huiusmodi tē.

22 ¶ Cum duo vel plures teneant boscum, turbariam, piscariam, vel alia huiusmodi in comuni absque hoc quod aliquis sciat suum seperale & aliquis eorum faciat vastum contra voluntatem alterius, moueatur accio per breue de vasto. Et habeat defendens, cum ad iudicium venerit, electionem capiendi partem suam in certo loco per vic. & per visum & sacm, ac assignationem vicinorum ad hoc electorum & iuratorum, vel quod concedat quod nihil capiat de cetero in huiusmodi bosco, turbaria, & alijs, nisi secundum q̄ participes sui capere voluerint. Et si eligat capere partem suam in certo loco, assignetur ei locus vastatus in suam partem, secundum quod fuit antequam vastum fecit. Et est tale breue in hoc casu, scilicet cum A. & B. teneant boscum per indiuisū B. fecit vastum &c.

Executors. 1. Cap. 23.

¶ Habeant de cetero executores breue de com-
poto, & eandem accionem, & processum per illud breue, quale habuit mortuus, & haberet si vixisset.

Nuisance. 3. Cap. 24.

¶ In casibus in quibus conceditur breue in Cancellaria de facto alicuius, de cetero
I. ij. non

Westm̄ secoud.

non recedant querentes a curia Regis sine remedio pro eo quod tenetur transferatur de vno in alium. Et in registro de cancellaria non est inuentum aliquod breue in isto casu speciale, sicuti de muro, domo mercato, conceditur breue super eum qui leuauit ad nocumentum. Et si transferatur domus, murus, & his similia in aliam personam, breue non denegetur, sed de cetero cum in vno casu conceditur breue in consimili casu simili remedio indigente, sicuti prius, fiat breue, Questus est nobis A. & B. iniuste & c. leuauit domum, murum, mercatum & alia quæ sunt ad nocumentum liberi tenementi sui. Et si huiusmodi leuata ad nocumentum transferantur in aliam personam, de cetero fiat breue sic, Questus est nobis A. quod B. & C. leuauerunt & c.

Quod permittat. 1

¶ Eodem modo sicut persona alicuius ecclesie recuperare potest communem pasturam per breue noue diss. eodem modo de cetero recuperet successor super disseisitorem vel eius heredem, per breue, quod permittat, licet huiusmodi breue prius in cancellaria non fuerit concessum.

Iuris, utrum. 1,

¶ Eodem modo sicut conceditur breue, utrum aliquod tenetur sit libera elemosina alicuius ecclesie, vel laicum feodum talis, fiat de cetero breue utrum sit libera elemosina talis ecclesie, vel alterius ecclesie, in casu quo libera elemosina vnius ecclesie transferatur in possessionem alterius ecclesie,

VVrittes

¶ writta. 2.

¶ Et quocienscunque de cetero euenerit in cancellariis, quod in vno casu reperiatur breue, & in consimili casu cadente sub eodem iure, & simili indigente remedio non reperiatur, concordent clerici de cancellaria in breui faciendo, vel atterminent querentes in proximum parliamentum, & scribantur casus in quibus concordare non possunt, & referant eos ad proximum parliamentum, & de consensu iurisperitorum fiat breue, ne contingat de cetero quod curia domini regis deficiat conquerentibus in iusticia perquirenda.

¶ Assise. 6.

Cap. 25.

¶ Quia non est aliquod breue in Cancellaria, per quod querentes habeant tam festinum remedium, sicut per breue noue disseisine: dominus rex voluntatem habens ut celeris fiat iusticia, & quod dilationes in placitis communis amputentur & abbrevientur, concedit quod breue assise non disseisine locum habeat in pluribus casibus quam prius habuit. Et concedit quod de estouerijs bosci, proficuo capiendi in bosco, de nucibus, & glandibus, & alijs fructibus colligendis, de corrodio, liberatione bladi, & aliorum victualium, ac necessariorum in certo loco annuatim recipiendi, tolnero, tronagio, passagio, pontagio, pannagio, & hijs similibus in certis locis capiendi, custodijs boscorum, parcorum, forestarum, chasearum, warrennarum, portarum, & alijs balliuis, & officiis de feodis iaceat de cetero assisa non dissolvatur. Et in omnibus supradictis casibus modo con-

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fueto fiat breue de libero ten. Et sicut prius iacuit, & locum habuit in communia pasture, ita de cetero locum habeat in communia turbarie piscarie, & alijs communis his similibus, quas quis habet pertinentes ad liberum ten, vel etiam sine ten per speciale factum, ad minus ad terminum vite.

In casu etiam quando quis tenens ten ad terminum annorum, vel in custod, illud alienat in feod, & per illam alienationem transfertur liberum ten in feoffatum, fiat remedium per breue noue diff, & habeantur pro disseisitoribus tam ille qui feoffat, quam feoffatus, ita quod viuente altero eorum locum habeat predictum breue.

Et si per mortem personarum cesset remedium per predictum breue fiat remedium per breue de ingressu. Et quamuis superius fiat mentio de aliquibus casibus de quibus locum non habuit prius breue noue disseisine, non propter hoc credit aliquis illud breue non competere, vbi prius competerat. Et licet dubitauerint quidam, vtrum in casu quo quis pascat alterius seperale, fieri poterit remedium per predictum breue, teneatur pro certo, quod in casu illo per predictum breue bonum & certum est remedium. Caueant de cetero illi qui nominati sunt disseisitores, quod non proponant falsas exceptiones, per quas captio assise differatur, dicendo qd alias transiit assisa de eodem ten inter easdem partes, vel dicendo & mentiendo, quod breue de altiori natura pendet inter easdem partes, de eodem ten, & super his & consimilibus vocent rotulos, vel recordum ad warrantum, vt per illam vocati-

onem

onem asportere possint vesturam, & leuare redditus & alia proficua ad magnum detrimentum querentis.

Et quia prius aliam p̄nam non habuit, quæ huiusmodi falsas exceptiones mendaciter proposuit nisi tantum quod post mendatum suum conuictum, processum fuit ad captionem assise. Dominus rex, cui odiose sunt huiusmodi false exceptiones, statuit quod si quis disseisitor nominatus personaliter proponat illam exceptionem ad diem sibi datum & defecerit de warranto quod vocauit, habeatur pro disseisitore absque recognitione assise, & restituat dampna prius inquisita, vel post inquirenda de duplo, & nihilominus pro falsitate sua puniatur per prisonam vnus anni. Et si illa exceptio proponatur per ballium, non propter hoc differatur captio assise, nec iudicium super restitutione ten̄, & dampnum.

Ita tamen, quod si dominus illius balliui, qui absens fuerit, postmodum veniat coram iustic', qui assisam ceperint, & offerat verificare per recordum, vel per rotulos, quod assisa alias transiuit de eodem ten̄, inde inter easdem partes, vel quod querens alias se retraxit de breui consimili, vel placit̄ pendeat per breue de altiori natur̄: fiat ei b̄re de faciendo venire super hoc recordum. Et cum illud habuerit, & videant Iustic' quod recordum ita ei missum valeret ante iudic', quod per illud excluderetur querens ab actione sua, statim faciant iustic' feir̄ parti, q̄ prius recuperauit, quod sit ad certum diem, ad quem rehabeat defendens seisinam suam, & dampna si que prius soluit per primum iudicium, simul.

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mul cum dampnis que habuit post primum iudicium redditum, que ei restituantur in duplo, sicut supradictum est: & nihilominus puniatur ille qui primo recuperavit, per prisonam secundum discretionem iusticiariorum. Eodem modo si defendens contra quem transiit assisa, in sua absentia ostendat chartas, vel quiet clam, super quarum confectione non fuerunt iurati examinati, nec examinari poterunt; pro eo quod de eis non fiebat mentio in placitandis, & probabiliter ignorare potuerunt confectionem huiusmodi scriptorum: Iusticiis visis scriptis illis faciant scire parti que recuperavit, quod sit ad certum diem coram eis & venite fac iurati eiusdem assise. Et si per veredictum iuratorum, vel forte per irrotulamentum scripta illa verificauerint, puniatur ille, qui assisam impetrauit contra factum suum per penam supradictam. Nec capiat vice de cetero bouem a disseisito, sed a disseisitore tantum. Et si plures sint disseisitores in vno breue nominati, nihilominus de vno boue sit contentus: nec exigat bouem nisi de precio v. s. vel precium.

¶ Redisseisine. 3.

Cap. 26.

¶ In breuibus de redisseisina adiudicentur de ceteris dampna in duplo: redisseisitores de cetero irreplegiabiles per commune breue. Et sicut in statu de Merton § ca. 3. § prouisum fuit illud breue de his qui disseisierunt, postquam recuperauerunt per assisam noue disseisine, mortis antecessoris, aut per alias iuratas: ulterius de cetero habeat illud

illud breue locum in illis qui recuperauerint per defaultam, redditionem, aut alio modo sine recognitione assisarum vel iuratarum.

¶ *Effoine. 10.*

Cap. 27.

¶ Postquam aliquis posuerit se in inquisitionem aliquam ad proximum diem, allocetur ei effonium, sed ad alios dies sequentes per effonium non differatur captio inquisitionis, siue prius habuit effon siue non. Nec admittatur effon post diem dat de prece partiū in casu in qua partes cōsentunt venire sine effon.

¶ *Effoine. 11.*

Cap. 28.

¶ Cum per statutum V Vestm̄ h̄primer ca. 41. h̄statuatur quod postquam tenentes semel comparuerint in curia, non allocetur eis effon in breuibus assisarum: eodem modo de cetero obseruetur de petentibus.

¶ *Oyer & terminer. 1.*

Cap. 29.

¶ Breue de transgr̄ ad audiendum & terminandum, de cetero non concedatur coram aliquibus iustic, excepte iustic de utroq; banco, & iustic itinerantē, nisi pro enormi transgr̄ ubi necesse est apponere festinum remedium, et dominus rex de gratia sua speciali hoc duxit concedend'. Nec etiam de cetero concedatur breue ad audiendum & terminandum appella coram iustic assign, nisi in speciali casu, & certa causa cum dominus rex hoc preceperit. Sed ne huiusmodi appellati, vel indictati diu detineant in prisoa, habeant breue de odio & atia sicut in Magna Charta h̄ ca. 26. h̄ & alijs statutis

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tutis dictum est. §VV. 1. ca. 11. Gloc. ca. 9. §

¶ Nisi prius. I. cap. 30.

¶ Assignentur de cetero duo iustic' iurati, coram quibus, & non alijs capiantur assise no. disseisine, mortis antecessoris, & attincte, & associent sibi duos vel vnum de discretioribus militibus com̄ in quem venerint, & capiant assisas predictas, & attinctas, ad plus ter per annum, videlicet semel inter quindenam sancti Iohannis Baptiste, & gulam Augusti & iterum inter festum Exaltationis sancte Crucis, & Octabis sancti Michaelis, & tertio in festum Epiphani, & festum Purificationis beate Mariæ. Et in quolibet comitatu ad quamlibet captionem assise, antequam recedant, statuam diem de redditu suo, ita quod omnes de com̄ scire possint eorum aduentum & de termino in terminum adiournent assisas.

Si per vocationem warranti, per effon, vel per defectum tecognitorum, ad vnum diem scaptio eorundem differatur. Et si aliqua causa viderint quod vtile sit, quod assise mortis antecessoris per effon vel vocationem warranti respectuate adiournent in banco, liceat eis hoc facere, & tunc mittant iustic' de banco recordū, cū breui originali. Et cum loquela peruenit ad captionem assise, remittatur loquela cū breui originali per iustic' de banco, ad priores iustic' coram quibus capiat assisa. Sed de cetero dent iustic' de banco in huiusmodi assisis ad minus quatuor dies per annum, corā prefat' iustic' assign, vt parcant laboribus & expensis. Atterminentur in-

inquisitiones capiend' de transgr̄ placit' coram iustic' de vtroque banco, nisi ita enormis sit transgr̄, quod magna indigeat examinatione.

Atterminent etiam inquisitiones coram eis de alijs placitis placitatis in vtroque banco, in quibus facilis est examinatio, vt quando dedicit ingressus, vel seifina alicuius, vel in casu quando de vno articulo sit inquirend'.

Sed inquisitiones de grossis & pluribus articulis, quæ magna indigeant examinatione capiantur coram Iustic' de bancis, nisi ambæ partes petant, quod inquisitio capiatur coram aliquibus de societate, cum in partes illas venerint, quod de cetero non fiat nisi per duos Iustic' vel vnum cum aliquo milite de com̄, in quem partes consentiunt.

Nec atterminentur huiusmodi inquisitiones coram aliquibus Iusticiarijs de banco, nisi statuantur certus dies & locus in com̄ in presentia partium, & dies & locus inferantur in breui de iudicio per hæc verba. Precipimus tibi quod venire fac. coram Iusticiarijs nostris apud VWestminster in octab. sancti Michaelis, nisi talis & talis die & loco ad partes illas venerint xij. & c. Et cum huiusmodi inquisitiones capte fuerint, retornentur in bancis, & ibi fiat iudicium, & irrotulentur. Et si omisla forma predicta aliquæ inquisitiones capiantur, pro nullis habeantur, excepto quod assise vltime presentationis, & inquisitiones super Quare impedit atterminentur in proprio com̄ coram vno Iustic. de banco, & vno milite, ad certos tamē diē & locum in banco statutos, &c

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& siue defendens consentiat siue non : & ibi statim reddat iudicium. & vide 12. E. 2. stat Eborum ca. 3. & Habeant de cetero omnes iustici' de bancis in itineribus clericos irrotulantes omnia placita coram eis placitata, sicut antiquitus habere consueuerunt. Item ordinat est, quod Iusticiarij ad assisas capiendas assignati non compellant iuratos dicere precise, si sit disseisina vel non, dummodo dicere voluerint veritatem facti, & petere auxilium iusticie. Sed si sponte velint dicere, quod disseisina est, vel non, admittatur eorum veredictum sub suo periculo. Et de cetero non ponant iusticie in assisis aut iuratis, aliquos iuratos, nisi eos qui ad hoc prius fuerunt summi & de finibus leuatis. 27. E. 1. cap. 4.

¶ *Exception. 1. cap. 31.*

¶ Cum aliquis implacitatus coram aliquibus iusticiis, proponat exceptionem, & petat quod iusticie eam allocent: quam si allocare noluerint, & ille qui exceptionem proposuerit, scribat illam exceptionem, & petat quod iusticie sigillum suum apponant in testimonio, Iusticiarij apponant sigilla sua. Et si vnus apponeri noluerit, apponat alius de societate. Et si forte ad queremoniam de facto Iusticiariorum venire faciat dominus rex recordum coram eo, & si illa exceptio non inueniatur in rotulo, & querens ostendat exceptionem scriptam sub sigillo iusticie appenso, mandetur Iusticiario, quod sit ad certum diem ad cognoscendum sigillum suum, vel ad deducendum. Et si iusticie sigillum suum deducere non possit, procedatur

datur ad iudicium secundum illam exceptionem prout admittendū esset vel cassandū.

Mortmain. 2. Cap. 32.

¶ Cum viri religiosi, & aliæ personæ ecclesiasticæ implacitent aliquem, & implacitatus fecerit defaultam, ob quam tenementum amittere debeat, quia iustici' hucusque tenuerunt, quod si implacitatus fecerit defaultam per collusionem, vt cum petens occasione statuti ꝑ de Religiosis anno septim̃ E. 1. per titulum doni, vel alterius alienationis, seisinam de tenemento consequi non possit, per illam defaultam consequeretur, & sic fieret fraus statuto. Ordinatum est per dominum Regem, & concessum in hoc casu quod postquam defaulta facta fuerit, inquiratur per patriam, vtrum petens habeat ius in sua petitione vel non. Et si compertum fuerit, quod petens ius habuerit, procedatur ad iudicium pro petente, & recuperet seisinam suam. Et si ius non habuerit, incuratur tē proximo domino feodi, si illud petat infra annum a tempore inquisitionis capte. Et si infra annum non petat, superiori domino incuratur si petat infra dimidium annum post illum annum. Et sic habeat quilibet dominus post proximum dominum, spacium dimidij anni ad petendum, successiue, quousque perueniatur ad Regem, cui ad vltimum pro defectu aliorum dominorum tenementum incuratur. Et ad calumpniandum iuratores inquisitionis, admittantur quicunque capitales domini feodorum, & similiter pro Rege qui calumniare voluerint. Et remaneat terra, postquam iudicium
datum

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datum fuerit in manu domini Regis quousq; teñ
per petentem, vel per aliquem capitalem dominum
disfrationetur, & oneretur vic' ad respondend' inde
ad scaccarium.

Crosses. 1. Cap. 1. 33

¶ Quia multi tenentes erigunt cruces in teñtis
suis. aut erigi permittunt, in preiudicium domino-
rum suorum, vt tenentes per priuilegium templa-
riorum & hospitaliorum tueri se possent contra
capitales dominos feodorum. Statutum est quod
huiusmodi teñ capitalibus dominis, aut regi incar-
rantur, eodem modo quo statuit alibi de tenemē
alienar' ad manū mortuam† de Religiosis 7.E. 1.

Rape 2. Cap. 34.

¶ **R**ape est que si home rauist feme
espouse, damesell', ou auter feme desozmes,
per la ou el ne soit assentus, ne auant ne a-
pres, eit iudgement de vie & de membre. Et
ensemble per la ou hōe rauist feme dam' es-
pouse, damesell', ou auter femme a force, tout
soit q' el soi assent apres, eit tiel indgement
come deuant est dit, si soit atteint a le suit
le roy & eit le roy la suite. De mulier' abductis
cum bonis virorum suorum, habeat rex sectā de bo-
nis sic asportatis. Et si vxor sponte reliquerit vi-
rum suum, & abierit, & moretur cum adultero
suo, amittat in perpetuum accionem petendi dotē
suam, que ei eompetere posset de teñ viri sui, si super
hoc conuincatur nisi vir suus sponte, & absque co-
hertione ecclesiastica eā recōciliet, & secū cohabi-
tare permittat, in quo casu restituatur ei actio.

Qui

Qui monialem a domo sua abducatur, licet monialis consentiat, puniatur per prisonam trium annorum, & satisfaciatur domui a qua abducta fuerit, competent: & nihilominus redimatur ad voluntatem Regis.

¶ *Uwards 12. cap. 35.*

¶ De pueris masculis, siue femellis (quorum maritadium ad aliquem pertineat) raptis & abductis, si ille qui rapuit non habens ius in maritagio, licet postmodum restituat puerum non maritatu, vel de maritagio satisfecerit, puniatur tamē per transgressu per prisonam duorum annorum. Et si non restituerit, vel heredem post annos nobiles maritauerit, & de maritagio satisfacere non potuerit, abiuret regnum, vel habeat perpetuam prisonam. Et super hoc habeat querens tale breue. Si A. fecerit te securum &c. tunc pone per vad' &c. B. quod sit coram Iusticiarijs nostris &c.) ostens. quare talem heredem infra etatem existentem, cuius maritadium ad ipsum A. pertinet, apud C. inuentum, tali loco rapuit & abduxit, contra voluntatem ipsius A., & contra pacem &c. Et si heres sit in eodem comitatu tunc addatur ista clausula. Et diligenter inquiras vbi ille heres sit in balliua tua & ipsu vbicunque inuentum fuerit capias, & saluo & secure custodias, ita quod eum habeas corā prefatis Iusticiarijs nostris ad prefatum terminu, ad reddendum cui predictotum A. & B. reddi debeat. Et fiat secta versus partem de qua queritur, quousque per districtionem venerit, si habeat per quod distringi poterit, vel per contumaciam (si non sit iustitiabilis) exigatur, & utlagetur.

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Si forte huiusmodi heres ducatur, & transferatur in alium comitatum, tunc vic' illius comitatus fiat tale breue sub hac forma: **Q**uestus est nobis A. quod B. nuper talem heredem infra etatem & in custodia sua existentē, tali loco in comitatu tali, rapuit, & de comitatu illo ad talem locum in comitatu tuo abduxit, contra voluntatem ipsius A. & contra pacem &c. Et ideo tibi precipimus quod predictum heredem, vbicunque eum in balliua tua inuenire poteris, capias, & salvo & secure eum custodias, ita quod eum habeas coram iusticiarijs nostris &c. talij loco & die, quem diem idē A. habet versus predictum B. ad reddendū cui de iure reddi debeat. Et si heres antequam inueniri poterit, vel antequam restituatur querenti, obierit, nihilominus procedat placitum inter eos, quousque terminetur, cui restitui deberet, si superstes fuisset. Nec excusabitur aut alleuiabit ille, qui iniuste rapuit huiusmodi heredē de poena supra dicta per mortem heredis, cuius extitit male fidei possessor dum vixit. Et si querens obierit ante placitum terminatur, si ius ei competebat ratione proprii feodi sui, resummonetur loquela ad sectam heredē querentis, & pcedat placitum debito ordinē. Si vero per alium titulum competat ei ius sicut titulo donationis, venditionis, aut alio huiusmodi titulo tunc resummonetur loquela ad sectam executorum querentis, & procedat placitum vt predictum est. Eodem modo si moriatur pars defendens antequam placitū terminetur, vel heres restituatur, procedat placitum per resūm inter querentem vel eius heredem, seu
executo-

executores & executores defendentis, vel eius heredes si executores non sufficiant, quo ad satisfactionem de valore maritagij secundum quod in alijs statutis continetur, sed non quo ad pœnam prisonæ, quia quis pro alieno facto non est puniendus. Eodem modo cum pendeat placitum inter partes de custodia terre, vel heredis, vel utriusque per commune breue, quod incipit. Precipe tali &c quod reddat &c. fiat resumtionitio inter heredes & executores querentis, & similiter heredes aut executores defendentis, si mors alteram partem preueniat ante placitum terminatum. Et cum perueniatur ad magnam distractionem, datur terminus infra quem tres com̄ teneantur ad minus, in quorum quolibet comitatum fiat publica proclamatio quod deforcior veniat ad bancum, ad diem in breui contentum, responsurus querenti. Ad quem diem si non venerit, & proclamatio sic semel, secundo & tertio testificatum fuerit, procedatur ad iudicium pro querente, salvo iure defendentis, si postmodum inde loqui voluerit. Eodem modo fiat in breui de transgressi, cum quis queritur, se eiectum fuisse de huiusmodi custodijs.

Procurements. 1. Cap. 36,

¶ Quia domini curiar, & alij qui curiam tenent, & senescalli, volentes grauare subditos suos, cum non habeant legalem viam eos grauandi, procurant alios mouere querelas versus eos, & dare vadium, & offerre plegios, vel impetrare breuia, & ad sectas huiusmodi querentium compellunt eos sequi comitatum, hundredū, wapentachiū.

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chium, & cur, quousque finem fecerint cum ipse
p voluntate sua, statutum est, q hoc de cetero nō
fiat. Et si quis per huiusmodi falsas querimonias
fuerit attachiatus, replegiat districtionem suā si
captam, & pōni fac loquelā corā iusticiarijs, coram
quibus si vicecomes, vel alius balliuus, vel dominus
postquam sit districtus formauerit querimoniam
suam, aduocauerit iustam districtionē ratione hu-
iusmodi querimoniarum coram eis factarum, &
replacet, quod huiusmodi querimonia moueban-
tur versus eos maliciōse ad instantiam seu procura-
tionem vic aut aliorum balliuorum aut domino-
rum, admittatur illa replicatio. Et si super hoc cō-
uicti fuerint, versus dominum regem redimantur,
& nihilominus huiusmodi sic grauatis, damna in
triplo restituant.

Distresses 8. cap. 37.

¶ Quia etiam balliui, ad quos ex officio ptinet
districtiones facere, grauare volentes subditos su-
os, vt ab eis pecuniam extorqueant, mittunt ignotos
ad faciendā districtiones, ea intentione, vt subditos
grauare possint per hoc quod sic districti non ha-
bentes noticiam personarum non permittunt hu-
iusmodi districtiones super eos fieri. Statutum est,
quod nulla districtio fiat nisi per balliuos notos &
iuratos. Et si alio modo districtiones fecerint, &
de hoc conuicti fuerint, si grauati breue de trans-
gressi impetrauerint, restituant grauatis damna
alias in triplo & versus regem grauiter puni-
antur.

Iurours

In iuratis. 2. Cap. 38.
 ¶ Quia etiam vic' hundredarij, & balliui libertatum consueverunt grauare subditos suos, ponendo in assisis & iuratis homines languidos, & decrepitos, perpetua vel temporali infirmitate languentes, homines etiam tempore summonitionis sue in patria non commorantes, summonendo etiam effrenatam multitudinem iuratorum, ita ut a quibusdam eos in pace dimittendo pecuniā extorqueant, & fiunt assise & iurate multociens per pauperiores, diuitibus pro suo dando, domi commorantibus. Statutum est, quod de cetero non summoneatur in vna assisa plures quam xxiiij. Senes etiam videlicet. vltra lxx. annos, perpetuo languidi, vel tempore summonitionis infirmi, vel in patria non commorantes, non ponantur in iuratis vel minoribus assisis. Nec etiam ponantur in assisis vel iuratis, licet in proprio comitatu capi debeant aliqui qui minus tē habent quam ad valentiam viginti solidorum per annum.

Et si huiusmodi assise, & iurati, extra comitatum capi debeant, non ponantur in eis aliqui qui minus tenementum nō habeant quam ad valentiam quadraginta solidorum per annum, illis exceptis qui testes sunt in chartis, vel alijs scriptis, quorum presentia necessaria est, dum tamen potentes sunt ad laborandum. Nec debet istud statutum extendi ad magnas assisas, in quibus oportet aliquando ponere milites in patria non residentes, propter paucitatem militum, dum tamen tenementum habeant in comitatu. Et si vic' vel subballiui sui, vel balliui libertatum, contra

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istud statutum in aliquo articulo venerint, & super hoc conuincantur, restituant damna grauatis & nihilominus sint in misericordia domini regis. Et habeant iusticiarij ad assisas capiend' assign', cum in com' venerint potestatem audiendi quarimonias singulorum conquerentium, quo ad articulos in isto statuto contentos, et iusticiam in forma predicta exhibend'. § 21. Edwardi primi de ponendis in Assis.

Retorno of Shirifes. 1. Cap. 39.

¶ Quia iusticiarij (ad quorum officium spectat unicuique coram eis placitanti iusticiam exhibere) frequentius impediuntur, quo minus officium suum debito modo exequi possint, per hoc quod vice breuia originalia & iudicialia non retornant, per hoc etiam quod ad breuia domini regis falsum retornant responsum. Prouidit dominus rex & ordinauit, quod illi qui timent maliciam vic', liberent breuia sua originalia & iudicialia in pleno com' vel sin' retro com', vbi fit collatio denarior' domini regis & capiatur billetum de vic' presente, vel subvic', in quo biletto contineantur nomina petentium & tenent' in breui nominat', & ad requisitionem illius qui breue liberauit, apponat' biletto sigillum vic' vel subvic' in testim. & fiat mentio de die liberationis breuis.

Et si vicecomes vel subvicecomes huiusmodi billetto sigillum suum apponere noluerit, capiatur testimonium militum & aliorum, fide dignorum qui presentes fuerint, & sigill' sua hui' billetto apponant. Et si vicecom' breuia sibi liberata non retornauerit

tornauerit & super hoc ad iusticiarios perueniat querimonia, mander per breue de iudicio, iustic' ad assisas capiendas assign, quod inquirent per eos qui presentes fuerint, quando bre' vic' liberatum fuit, si sciuerint de illa deliberatione, & inquisitio returnetur. Et si compertum fuerit per inquisitionem, quod breue fuit ei liberae, adiudicentur querenti vel petenti damna, habito respectu ad qualitatem & quantitatem actionis, & ad periculum quod ei euenire posset, per dilationem quam patiebatur. § Anno. 2. E. 3. ca. 5. apud Nor. § Et per istam viam fiat remedium quando vic' responder, quod breue adeo tarde venit, quod preceptum regis exequi non potuit Multotiens itiam capiunt placita dilationes per hoc quod vic' responder, quod precepit balliuis alicuius libertatis, qui nihil inde fecerint, & nominet libertates que nunquam returnum breuium habuerunt.

Propter quod, ordinauit dominus rex, quod thesaurarius & baron de scaccario liberent § iusticiarijs in rotulo omnes libertates in quibuscunque com qui hnt returnum breuium. Et si vic' responder quod mandauit balliuo alterius libertatis, quam alicuius contente in predicto rotulo, statim puniatur vic' tanquam exheredator regis & corone sue. Et si forte respondeat quod mandauit balliuo alicuius libertatis, que veraciter returnu habet qui nihil inde fecit, maderit vic' qd no omittat propter aliquam libertate predicta, quin exequatur preceptu dñi regis, & quod scire faciat balliuis, quid fecit returnu quod

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quod sint ad diem in breui contentum ad respo-
dendum, quare de precepto domini Regis exe-
cutionem non fecerint. Et si ad diem venerint,
& se acquietent, quod retumum breuis non fuit
eis factum, statim condemnetur vic' domino illi-
us libertatis, & similiter parti lese per dilatio-
nem in restitutionem damnorum. Et si ad di-
em non venerint balliui, vel venerint, & su-
pradicto modo se non acquietauerint, in quo-
libet breui de iudicio, quam diu durat placitum
precipiat vic' comiti quod non omittat propter
libertatem &c. Multociens etiam vic' fallum
dant responsum, quo ad illum articulum quod
de exitu &c. Mandantes aliquando & menti-
entes, quod nulli sunt exitus, aliquando quod parui
sunt exitus, cum de maioribus respondere pos-
sint, aliquando non facientes mentionem de exi-
tibus. Propter quod ordinatum est & concordat-
um, quod si querens petat auditum responsio-
nis vicecom, concedatur ei. Et si offerat verifi-
care, quod vicecom de maioribus exitibus regi
respondere potuit, fiat ei breue de iudicio ad
Iustic' ad alsisas capiendas assignatos quod in-
quirant in presentia vicecomitis, si interesse volue-
rit, de quibus & quantis exit respondere po-
tuit a die impetrationis breuis vsque ad diem in
breui contentum. [¶] al receptionis vide P. 27. H. 8.
cap. 10. f. 3. & P. 20. H. 6. cap. 10. fol. 25. [¶] & cum
inquisitio retornata fuerit, si de pleno prius no re-
sponderit, oneretur de superplulagio per extractas
iustic' liberatas ad scaccarium, & nihilominus
gratuer amercietur pro concealamento. Et sciat
vic'

vic' quod, redditus, blada in grangia, & omnia mobilia, p̄f equitaturam, indumenta, & vtenilia domus continentur sub nomine exituum.

Et precepit dominus rex, quod vic' pro huiusmodi falsis responsionibus semel & iterum (si sit necesse) per iustic' castigentur. Et si tertio deliquerent, alius non appon̄ manum quam dominus rex. Multotiens etiam falsum dant responsum, mandando quod non potuerunt & exequi & preceptum regis propter resistantiam potestatis alicuius magnatis, de quo caueat vic' de cetero, quia huiusmodi responsio multum redundat in dedecus domini regis & coronæ sue.

Et quam cito subballiui sui testificentur, quod inuenerunt huiusmodi resistantiam, statim (omnibus omisis) assumpto secum posse com̄ sui, eat in propria persona sua, ad faciend' executionem.

Et si inueniat subballiuos mendaces, puniat eos per prisonam, ita quod alij per eorum panam castigentur.

Et si inueniat eos veraces, castiget resistentes per prisonam, a qua non deliberetur sine speciali precepto domini regis. Et si forte vic' cum venerit, resistantiam inuenerit, certificet cur̄ de nominibus resistantium, auxiliantium, consentientium, precipientium & fautorum, & per breuē de iudicio attachient huiusmodi per corpora, ad veniendum ad cur̄ regis. Et si de huiusmodi resistantia conuincantur, puniantur secundum quod domino regi placuerit. Nec intromittat se aliquis minister domini regis de pana huiusmodi.

K. iij.

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huiusmodi infligenda, quia dominus rex hoc sibi specialiter reseruat, pro eo quod huiusmodi resistentes censentur pacis sue & regni perturbatores § 13. E. 1. de mercatoribus articuli super cartas. ca. 16.

¶ Age. 4.

Cap. 40.

¶ Cum quis alienat ius vxoris sue, concordat est quod de cet ero secta mulieris, aut eius heredis non differatur post obitum viri per minorem etatem heredis, qui warrantizare debet, sz expectet emptor (qui ignorare non debuit quod ius alienum emit) vsque ad etatem warranti sui, de warrantia sua habenda.

¶ Contra formam collationis. 1.

Cap. 41.

¶ Statuit dominus rex quod si abbates, priores, custodes hospitalium, & aliarum domorum religionis fundatarum ab ipso, vel a progenitoribus suis alienauerint de cetero ten domibus ipsis ab ipso vel a progenitoribus suis collata, ten illi in manum domini regis capiantur & ad voluntatem suam teneantur, & emptor amittat suum recuperare, tam diu ten quam de pecunia, quam paiauit. Si autem domus illa a com, baron, vel ab alijs fundata fuerit, de ten sic alienata heat ille a quo vel a cuius antecessore ten sic alienata collatum fuerit, breue ad recuperandum ten illud in dominico, quod tale est precepte tali abbati, quod iuste & c. reddat B. tale ten quod eidem domui colatum fuit in liberam elemosinam per predictum B. vel antecessores suos, & quod ad dictum B. reuerti debet per alienationem, quam predictus

predictus abbas fecit de predicto ten̄ contra formam collationis predictę, vt dic̄. Eodem modo de ten̄ dat̄ pro cantaria & sustinenda & vel luminari in aliqua ecclesia vel capella, vel alia elemosina sustentanda, si ten̄ sic dat̄ alienetur. Et si forte ten̄ sic dat̄ pro cantaria, luminari, pastu pauperum, vel alia elemosina sustentanda vel faciend̄, non fuerit alienat̄, sed subtracta fuerit huiusmodi elemosina per biennium, competat actio donatori aut eius heredi ad petendum ten̄ sic datum in dominico, sicut statut̄ est in statuto Gloucester, de ten̄ dimissis ad faciendum vel reddendum quartam partem valoris ten̄, vel maiorem. Gloucester cap. 4.

¶ *Fess. 1.*

Cap. 42.

¶ De marescallis domini regis de feodo, camerarijs, custodibus hostiorum in itinere iustic̄, & seruientibus virgam portantibus coram iustic̄ apud westminster, qui officium illud habent de feodo, & qui plus exigunt ratione feodi sui quam exigere consueuerunt, secundum quod multi queruntur super eos qui statut̄ cur̄ a multo tempore videntur & sciunt, dominus rex inquiri fecit, quem statut̄ predicti ministri de feodo habere consueuerunt temporibus retroactis, & per inquisitionem statuit & precepit, quod marescallus de feodo qui de nouo exigit palfridum de comitibus, baron̄, & alijs per partem baronie tenent̄, quando homagium fecerint, & nihilominus ad miliciam eorum alium palfridum, & det quibusdam (det quibus palefridum habere non debuit) palefridū

lefridum de nouo exigunt, ordinauit quod predictus marescallus de quolibet comite & barone (integram baroniam tenente,) de vno palefrido sit contentus, vel de precio quale antiquitus percipere consuevit, ita quod si ad homagium, quod fecit, palefridum vel precium in forma predicta ceperit, ad militiam suam nihil capiat.

Et si forte ad homagium nihil ceperit, ad militiam suam capiat. De abbatibus, & prioribus integram baroniam tenentibus cum homagium aut fidelitatem pro baronijs suis fecerint, capiat palefridum vel precium, vt predictum est.

Hoc idem de archiepiscopis, & episcopis obseruand' est. De his autem qui partem baronie tenent, siue sint religiosi, siue seculares, capiat secundum portionem partis baronie, quam tenent. De religiosis tenent in liberam elemosinam, & nō per baroniam, vel partem baronie, nihil de cetero exigat marescallus.

Et concessit dominus rex, quod per hoc statutum non precludatur marescallus suus de feodo in plus petendo, si in posterum ostendere poterit, quod ius habeat plus petendi.

Camerarij domini regis habeant de cetero de archiepiscopis, episcopis, abbatibus, prioribus, & alijs personis ecclesiasticis, comitibus, baronibus integram baroniam tenentibus, rationabilem finem cum homagium aut fidelitatem pro baronijs suis fecerint. Et si per partem baronie teneant, capiant rationabilem finem secundum portionem ipsius contingentem. Alij vero abbates, priores, religiosi, & seculares non tenentes per

per baroniam, vel partem baronie, non distrin-
gantur ad finem faciend', secundum quod de te-
nentibus per baroniam vel partem baronie dictum
est, sed sit Camerarius de superiori indumento
contentus, vel de precio indumenti: quod plus
honeste dictum est pro religiosis quam seculari-
bus, quia honestius est quod religiosi paient pro
superiori indumento, quam exuant.

Citationes.

Cap. 43.

¶ Prohibeatur de cetero hospitalarijs & templa-
rijs, ne de cetero trahant aliquem in placitum co-
ram conseruatoribus priuilegiarum suorum de ali-
qua re, cuius cognitio spectat ad forum regium.
Quod si fecerint, primo restituant damna parti gra-
uate & versus dominum regem grauitur punian-
tur. Prohibet etiam dominus rex conseruatoribus
priuilegiarum eorundam, ne de cetero (ad instanti-
am hospitaliariorum, templariorum, aut aliorum
priuilegiatorum) concedant citationes, priusquam
exprimatur super qua re fieri debeat citatio. Et si
viderint huiusmodi conseruatores, quod petatur
citatio de aliqua re, cuius cognitio spectat ad forū
regium, huiusmodi conseruatores nec citationem
faciant, nec cognoscant. Et si aliter fecerint
conseruatores, respondeant parti lese de dam-
nis, & nihilominus versus dominum regem
grauiter puniant. Et quia huiusmodi priuilegia
impetrant conseruatores, subpriores, pntatores
sacistas, religiosos, qui nihil hnt unde lefis aut
domino

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domino regi satisfacere possint, qui audaciores sunt ad ledend' dignitatem domini regis quam eorum superiores, quibus per eorum temporalia pœna potest infligi. Caueant de cetero prelati huiusmodi obedientiariorum, ne permittant obedientiariorum suos assumere sibi iurisdictionem in preiudicium domini regis & coronæ sue. Quod si fecerint, pro facto ipsorum respondeant sui superiores ac si de proprio facto suo conuicti essent.

¶ *Fas. 2.*

Cap. 44.

¶ De custodibus hostiorum in itineribus virgam portantibus coram iustic' de banco: ordinat' est quod de qualibet assisa & iurata quam custodiunt, capiant decem denarios tñ, de chirographis nihil. De his qui recuperant demandas suas versus plures per defaultam, redditionem, vel alio modo per iudicium sine assisa vel iurat', nihil. De his qui recedunt sine die per default' petentis, vel querentis nihil capiant. Et si quis recuperauerit demandam suam versus plures per vnum breue, & per recognitionem assise vel iurat', de quatuor denarijs sint contenti. Et similiter si plures in vno breui nominati per recognitionem assise vel iurate recuperauerint demandam, de quatuor denarijs sint contenti. De his qui faciunt homagium in banco, de superiori panno sint contenti. De magnis assisis, attinctis, iuratis, & duello percusso xij. d' tñ capiant. De his qui vocati sunt coram iustic' ad sequend', vel defendend' placitum suum, nihil capiant pro egressu vel ingressu. Ad placita coronæ de quolibet

qualibet duodena xij.d.tantum capiantur. De quolibet prifonario deliberato iij.d.tantum capi-
antur. De quolibet cuius pax proclamata fuerit
j.d.tantum capiatur. De inuentoribus occifo-
rum & alijs attachiatis vill', quatuor denarij. De
decenarijs hominibus alijs, de quatuor hominibus
& proposito ac denarijs nihil & nihil capiatur. De
Cirographijs pro Girographo faciendo statu-
tum est, quod de quatuor solidis sint contenti. De
clericis subscribentibus breuiā originalia et iuditi-
alia statutum est: quod pro vno breui de vno de-
nario sint contenti. Et iniungit dominus Rex
omnibus & singulis iusticiarijs suis in fide & sa-
tramento quibus ei tenentur, quod si huiusmodi
ministri contra prædictum statutum in aliquo ar-
ticulo venerint, & quæremonia ad eos pertineat,
pænam eis infligant rationabilem. Et si iterum de-
liquerint, maiorem pænam eis infligant, qui casti-
gari merito debeant. Et si tertio deliquerint, &
super hoc conuicti fuerint, si sint ministri de feodo
amittant feodum suum, & si alij sint, amittant cu-
riam regis, nec redeant sine ipsius regis speciali p-
cepto aut gratia.

¶ Execution 3. cap. 45.

¶ Quia de his que recordata sunt coram Can-
tellarario domini regis, & eius iusticiarijs qui recor-
dum habent & in eorum rotulis irrotulatur, non
debet fieri processus placiti per summonitionem,
attachiementa, essonium, visus terre, & alij solem-
nitates curiæ, sicut fieri consuevit de contractibus
& conuentionibus factis extra curiam, obseruan-
dum est de cetero & ea quæ inueniuntur irrotula-
coram

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coram his, qui recordum habent, vel in finibus contenti siue sint contractus, siue conuentiones, siue obligationes, siue seruicia, aut consuetudines, recognita, siue aliqua/quecunque irrotulata, quibus curia domini Regis (siue iuris & consuetudinis offenso) auctoritatem prestare potest, talem de cetero habeant vigorem quod non sit necesse in posterum de his placitare, sed cum venerit conquerens ad curiam domini regis, si recens sit cognitio, vel finis leuatur vltra annum, statim habeat breue de executione illius recognitionis facte. Et si forte a maiori tempore transacto facta fuerit illa cognitio, vel finis leuatus, precipiatur vicecomi quod scire faciat parti, de qua sit querimonia, quod sit ad certum diem coram Iusticiarijs, ostendens (si quid sciat dicere) quare huiusmodi irrotulatur, vel in fine contenti executionem habere non debeant. Et si ad diem non venerit, vel forte venerit, & nihil sciat dicere, quare executio fieri non debeat, precipiatur vicecomi, quod rem irrotulatam, vel in fine contentam exequi faciat. Eodem modo mandetur ordinario in suo casu, obseruari nihilominus quod in VV. 2, cap. 9. supradictum, est de medio, qui per recognitionem aut iudicium obligatus est ad acquietandum. 13. E. 1. Mercatoribus.

Approver 2. Cap. 46.

¶ Cum in statuto edito apud Merton, ca. 4. concessum fuerit, quod domini vastorum, boscorum, & pasturarum approbare se possint de vastis boscis, & pasturis illis, non obstante contradictione tenentium suorum, dummodo tenentes ipsi haberent

haberent sufficientem pasturam ad tenementa
sua; cum libero ingressu & egressu ad eadem. Et
pro eo quod nulla fiebat mentio inter vicinum &
vicinum, multi domini vastorum boscorum, &
pasturarum hucusque impediti extiterint per con-
tradictionem vicinorum sufficientem pasturam
habentium. Et quia forinseci tenentes non ha-
bent maius ius communicandi in bosco vasto, aut
pastur alicuius domini, quam proprii tenentes ip-
sius domini: statutum est de cetero quod statutis
apud Merton prouisum inter dominum & tenen-
tes suos, locum habeat de cetero inter dominos va-
storum, boscorum, & pasturarum & vicinos, ita
quod domini huiusmodi vastorum boscorum, &
pastur salua sufficienti pastura hominibus suis &
vicinis, approuare sibi possint de residuo. Et hoc
obseruetur de his qui clamant pasturam tanquam
pertinentem ad tenementum suum. Sed si quis
clamat communiam pasturam per speciale feoffa-
mentum, vel concessionem ad certum numerum
auctiorum, vel alio modo, quam de iure commu-
ni habere deberet, cum conuentio legi deroget, ha-
beat suum recuperare, quale habere deberet p for-
mam concessionis sibi facte. Occasione molen-
di ventritici, bercarie, vaccarie, necessarij, augmē-
tationis cur, aut curtilagij de cetero non grauetur
quis per assisam noue disseisine de communia pa-
sture. Et cum contingat aliquando, quod a-
liquis ius habens approuare, fossatum aut sepem
leuauerit, & aliqui noctant, vel alio tali tem-
pore quo non credant factum eorum sciri,
fossatē

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fossatum aut sepem prostrauerint, nec sciri poterit per veredictum assise aut iurate, qui fossatum aut sepem prostrauerint, nec velint homines de villatis vicinis indictare de huiusmodi facto culpabiles, distringantur propinque villate circumiacentes, leuare fossatum aut sepem, ad costum proprium &c, damna restituere,

Assise 7.

¶ Et cum aliquis ius non habens concadi usurpet communiam tempore quo heredes infra etate extiterint, vel vxores sub potestate virorum suorum existentes, vel pastura sit in manu tenentium in dotem, per legem Angliæ, vel aliter ad terminum vite, vel annorum, vel per feodum talliatum, & pastura illa diu fuerint vsi, multi sunt in opinione quod huiusmodi pasture debent dici pertinere ad liberi tenentem, & quod huiusmodi possessori competere debet actio per breue non diffinitum si ab huiusmodi pasturæ deforceatur, sed de cetero tenendum est quod habentes huiusmodi ingressum a tempore quo currit breue mortis antecessoris scilicet del commencement del H. per VV. 1. ca. 38. si antea communiam non habuerunt, non habeant recuperare per breue noue disseisine si fuerint deforciati.

Fish and Fishingers. 1. Cap. 47.

¶ Prouisum est quod aquæ de Humbre, Ouse, Trent, Done, Arre, Derewent, VVherff. Niddiore, Swale, Tese, Tyne, Eden, & omnes aliæ aquæ in regno in quibus Salmones capiuntur, ponantur in defenso, quo ad Salmones capiendos, a die Natiuitatis beate Mariæ

Maria, vsque ad diem sancti Martini. Et similiter quod salmunculi non capiantur, nec destruantur per retia, nec per alia ingenia ad stagna molendinorum, a medio Aprilis vsque ad natiuitatem sancti Iohannis Bap. Et in partibus vbi huiusmodi riparie fuerint, assignentur conseruator istius statuti, qui ad hoc iurati sepius videant & inquirent de huiusmodi transgressione, & in prima transgressione puniantur per combustionem retium, & ingeniorum suorum. Et si iterato deliquerint, puniantur per prisoniam quarterij anni. Et si tertio deliquerint, puniantur per prisoniam vnus anni. Et sic multiplicata transgressione, crescat pene inflictio. Anno 17.R. 2. cap. 9.

¶ *Viuv. 1. Cap. 48.*

¶ De visu terre ordinatum est & statutum quod de cetero non concedatur visus, nisi in casu quando visus est necessarius. Sicut si aliquis amittat tenementum per defaultam: & ille qui amisit suscipiat aliud breue ad petendum idem ten. Et in casu quando aliquis per exceptionem dilatoriam cassat breue post visum terre, sicut per non tenuram. vel male nominando villam, vel huiusmodi, si suscipiat aliud breue, in hoc casu & in superiori de cetero non concedatur visus, dummodo visum habuerit in prioribus breuibus. In breui de dote competatur dos de tenemento, quod vir uxoris alienauit tenenti aut eius antecessori, cum ignorare non debeat tenens, quale ten. vir uxoris alienauit sibi vel antecessori suo licet vir non obijt seisi-

28
tus, nihilominus tenenti de cetero non erit visus
concedendus. In breui etiam de ingressu cassato
per hoc quod petens nominauit male ingressum, si
petens suscitaret aliud breue de alio ingressu, si tenens
in priori breui visum habuerit, in secundo non ha-
bebit. In omnibus etiam breuibus per que tenen-
tium ratione dimissionis, quam petens vel eius an-
tecessor fecit tenenti, & non eius antecessori, sicut
quod ei dimisit, dum fuit infra etatem, non com-
pos mentis, in prisona, & consimilibus, non iace-
at de cetero visus, sed si dimissio facta fuerit ante-
cessori iaceat visus sicut prius.

¶ Champarty 2. Cap. 49.

¶ Chaunceller, Treasorer, Justices, ne
nul del counsell' r roy, ne clerke de la chaun-
cerie, ne del eschequer, ne de iustice, ne daut
minister, ne nul del hostell' le roy, ne clerke,
ne lai ne puis rescieuer esglise, ne aduocat
de esglise, ne terre, ne tenement ne fee, p done,
ne per achate, ne a ferm, ne a champy, ne en
auter maner, tanq come le chose est en ples
deuant nous, ou deuant bl' d nous minist's
ne nul lower ent soit pris. Et q encounter
cest chose face, ou per luy ou par auter, ou
nul bargaine ent face, soit puni a la volunt'e
le roy auxibien celuy que le purchasera com
celuy que le fra. I. E. I. champartie I. ar-
ticuli super chartas ca. I I.

50 ¶ Omnia predicta statuta incipiant con-
seruari ad festum sancti Michaelis proximo ven-
turum, ita quod occasione aliquorum delictorum
contra aliquod predictorum statutorum citra pre-
dictum festum perpetratorum, poena delinquen-
tibus

ibus) de quibus mentio fit in statutis, non infligatur.

¶ *Action upon the statute 1. esp. 51.*

¶ Super vero statutis in defectum legis & ad remedia editis, vt diutius querentes cum ad curiam Regis venerint recedant de remedio desperati, babeant breuia sua in suo casu prouisa, sed non placitant vsque ad festum sancti Michaelis supradictum.

¶ Explicit statutum de westm
second.

¶ Statutum de Mercatoribus edit Anno xiiij. E. j.

¶ *Recognisances &c. 2.*

Pur ceo que merchants, queux auant
ceux heures out a prest leur auoier
a diuers gentes, sont chies en po-
uertye, pur ceo que nauotent pas
si readye ley paruen, pur la quel
ils purroient leur dettes hastiement re-
couer au iour asses de la paye, et per
cel encheson, sont multes des merchaun-
tes sustretes de benier en cel terre oue leur
mres

Mercatoribus.

merchandises, au dām des merchantes & de
tout le Roialme: nostre signiour le Roy per
luy & per son counsel a son parlement quil
tient a Nton Burnel, apz la seint Mi-
chael, lan de son raigne xi. fist & ordigne les
establismentes sur ceo, a remedi des mer-
chantz les queux ordeinmentes & establis-
ments le roy comaunda que tenus fuissent
et firmement gardes en tout son roialm, dāt
merchantes oūt ebe remedi & meins des
mischieues & trauailes de recouer lour detz
que auant ne soient Mes pur ceo que mar-
chantes puis soy pleindzont au roy que les
biē malement interpretont son estatute, &
ascune foitz per malice & per male interpre-
tation delaieront lexe del estatute, au grād
dām des merchants. Le Roy a son parliamt
a Westm, apz la Pasche, lan de son raigne.
xiiij. fist reciter lanantdit statute fait a Nton
Burnel, & pur declarer ascuns articles de
lestatute auantdit, ad ordeigne & establie que
merchant que boit estre sure de sa dette, face
benir son dettour deuant le Maioz de Lon-
dres, ou deuant autre chiefe gardein de cel
cite, ou dautre bon ville, ou le roy ordigne
et deuant le maioz ou chief gardein ou au-
tre probe home a ceo esliu & iure, quant
le Maioz ou chiefe gardeine ne poiet a ceo
entender, & deuant un des clerkes q le roy
a ceo assignera, quant ambideux ne poient a
ceo entend, conus la dette & le iour de le pai-
ment, & soit le recognisans enroli de le mai-
dane des auantdit clerkes que sera conus:

& le voule serra double, dont l'un demurge
 vers le maioz ou chiefe gardein, et l'auter
 vers le clerk, que a ceo serra pimes nosme.
 Et ouster ceo un des auandit clerkes de son
 maine face lescript del obligatiō, a q̄ escript
 soit mise le seale del dettoz, ou le seal l' roy
 q̄ a ceo est purueu: le quel seale serra d' deux
 peeces, dont le greinder pece demurrera en l'
 gard le Maioz, ou le chiefe gardeine, & l'auter
 pece en le maine le auandit clerk. Et
 si le dettour ne rendra le dett au iour que a
 luy est assigne, cy veigne le Marchant, al
 Maioz et clerk oue son letter del oblig. Et
 si troue soit per rolle, ou per letter, q̄ la dett
 fuit conus, & la iour de paiment assigne,
 soit passe, cy face le maioz ou chiefe gardein
 prendre le corps le dettoz (si soit lay) quel
 heure q̄ il soit troue deins lour poeue, a luy
 uer al prison de la ville, si prison y soit, et la
 demurge a sez costagez pper. ielsq̄ a tāt q̄ l'
 eit fait gre de la det. Et commaund est q̄ la
 gardein de la prison de la ville le rescue p
 le lyuery del Maioz, ou le chiefe gardeyne.
 Et si ne luy boile rescuer, cy respoign māi-
 tenant le gardein de la prison de la det, si ad
 de quoy, et si nad de quoy, respoigne celui
 que la prison luy baile a garder. Et si le
 dettoz ne puit estre troue en le poeue le ma-
 ioz, ou le chiefe Gardeyne, donques māi-
 le Maioz ou chiefe gardeine desouth l' seal
 del roy auandit al chaunt la recognis. fait
 de la dett. Et le chaunt enuopera brieve al
 bicont en que bailly le dettour serra troue,

¶.ij.

que

Mercatoribus.

que il preigne son corps, si soit laye, et en
face prison luy gard, ielsques a tant quil ad
fait grace de la dette. Et de deins un quarter
del an apres ceo que il serra prise, eit les cha-
teux et les terres deliueres, issint que p. les
loiens puisse leuer et paier la dette. Et bien
luy list deins cel quarter del an, terres & te-
nementes vendre pur ses dettes acquiter,
& la vende serra ferme & establie. Et si ne
face grace deins le quarter, apres le quarter
passe soient liueres al merchant toutes les
biens del dettour, & tous, les terres per rea-
sonable extent, a tener ielsque a tant que le
dette serra leue pleinemēt. Et la le plus tard
le corps demarge en prison, come deuant est
dit. Et le merchāt luy troua pane & esue.
Et eit le merchant en ceux tenemētes liue-
res a luy, ou son assigne tiel seisine quil pu-
isse porter brieve de nouvel disseisine, si soit
engette, & redisseisine auxy come de franktes-
nement, a ten a luy & a ses assignes, tanz la
dette soit paie. Et apres la dette leue et paie
soit le corps le dettour deliuee, oue la terre.
Et en les briefes que le Chaunt enuoyera,
soit meciō fait, que le bise certifiera les iusti-
ces de lune banque ou de lautre, coment il a-
uet perfourme de comādeint le roy a un
certeine iour: a q̄l iour le merchant, si sō gra-
ce soit fait, sua deuant les Justices. Et si le
bise ne retoz si nul brief, ou retoz que le bise
bient trop tard, ou quilz ont maides as bai-
lives des fraunchises, si facent les Justices
solong ceo que est contenu en le darreyne
esta-

estatute de Westminster ꝑca. 39. Et si ꝑ cas
 le vicont mañd que le dettour nest pas troue
 ou soit clerke, cy eit le merchāt bñes a toutz
 les viconts ou il auera terre, quilz luy liue-
 rōt toutz les chateux, et toutz les tenemētz
 le dettour per reasonable extent, a tē a luy
 et a ses assignes en la fourme que est auant
 dit. Et ialemeins eit bzief a quel viscont q̄
 il boudra, de prendre son corps sil soit flaye,
 et a tener en la fourme auant dit. Et byen
 soy garde le gardeine del prison, que luy co-
 mēdra responder del corps, ou de la dette.
 Et apres ceo que les terres le dettour sont
 liueres al merchant, bien purra le dettour la
 terre vendre, issint que le merchant neit da-
 mages de les approuemēts. Et salues soy-
 ent toutz iours al merchantes, damages, et
 toutz costages necessaries et reasonables en
 traualles, lutes, delaies, et dispenses. Et si
 le dettour troua pledges que se conust estre
 principales dettours, apres le iour passe soit
 fait de les pledges en toutz choses come de-
 nant est dit de le principale dettour quant a
 corps prendre, et terres liuerer, et auters
 choses. Et quant les fres les dettours soi-
 ent liueres au merchāt: il eit seisin de toutz
 terres queux fuerunt en la maine le dettour
 le iour de la reconusance fait, en que maines
 que ilz seront apres deuennus, ou per feoffe-
 ment, ou per auter mater. Et apres la dette
 paie les fres et lissues des terres des dettoz
 per feoffement, retournent auxibien arriere al
 froffe, come les auters terres as dettours.

¶.iiij.

Et

Mercatoribus.

Et si le dettour ou les pledges mourge, neit le marchant poüer de prendre le corps del heire, mes eit les terres, con e auant est dit, si est d'age: ou quant il sera de pleine age, lesqz a tant que il ad leue des terres le amountance de la dett. Et soit purueu vn auter seale q seruera a faires. Et icel seale sera enuoy a chescun faire desouth le seale le Roy, per vn clerke iure ou per le gardein d la faire. Et per le cominaltie des Marchantes de la city de Londres, soient ellyz eus deux loialx marchaunts, queux facent le serement, & deuant eux soit le seale ouert, & lun pece soit baile a les auantdistz marchaunts, & lauter demurge vers le clerke, & deuant eux, ou de lun des marchaunts, si ambydeux ne poient attendre, soient les conuances faits, sicome auant est dist. Et auant ceo que le recognisaunce soit enrole, soyt la peine del auantdit estatute appertement lie deuant le dettour, issint que il ne puisse auterfoits dire, que vn luy mist a auter peine que a cel a que il soy oblig. Et a sustener les costages de lauãtdit clerke, si prendra le roy de chescune li. i. d en chescune bill ou le seale sera mis, forspzise faires, ou il prendra trois mailles de chescune li. Cest ordeinemet & establichmet voit le roy, que deslozmes soit ten^r p tout s^o roialme Dégleterre & Dierlãd entre q l gents que ceo soit qui de leur eighn degre, celz reconus. boudzõt faire forpris Jewes, as queux cest establichment ne se extend. Et p cest estatute & establichment

Mercatoribus. 285

ment ne soit bñe de det abatus. Et ne soit le
chañcel^r, barons del eschequer, Justices oz
lune & de lañ banck. ne instiē errāts forçlos
de prendē reconus. Des dets deuant eux faitz
& conus, mes les executions de reconus. de-
uant eux faitz ne soiēt pas faitz per la forme
auantdit, mes per la ley & lusage auant bñes
& purneux aillours ē auter estatutes. **W**
2. ca. 45. **¶** bñe fundatū sup statutum predictū
¶ Rex vic' saltū. Quia coram tali maiori, vel cus-
tode talis villæ, vel coram custode sigilli nñi de mer-
catoribus in nundinis de tali loco, & tali clerico
nño recognouit A. se debere B, tantum, quod sol-
uisse debuit tali die et tali anno, quod idem B. nō-
dum soluit, vt dicit. Tibi precipimus, quod corpus
predicti A. si laicus sit capias, & in prisona nostra
saluo custodiñ facias, quousque predicto B. de pre-
dicto debito plenarie fuerit satisfactum. Et
qualiter hoc præceptum nostrum fueris
executū, scire facias iustic' nostris a-
pud westm' &c. p litteras tu-
as sigillatas. Et habeas
ibi hoc breue, tes-
te. &c.

Statut' de VVestm̃ 3. edit'.
An. xviii. E. i.

Tenure. 4.



Quia emptores terrarū
& tenementorum de
feodis magnatum &
aliorum dominorum,
in preiudicium eorū-
dem, temporibus re-
troactis, multotiens in
feodis suis sunt ingñ,
quibus liber tenentes
eorundem magnatum
& aliorum terras & te-
namenta sua vendiderunt, tenend' in feod' sibi &
heredibus suis de feoffatoribus & heredibus & suis
& non de capitalibus dominis feodorum, per quod
iisdem capitales domini eschaetas, maritagia, & cu-
stodias terrarum & tenementorum de feodis suis
existentium sepius amiserunt, quod quidem eisdem
magnatibus & alijs dñis quam plurimum durum
& difficile videbat', & h̃sic in hoc casu exheredacio
manifesta. Dominus rex in parlamento suo apud
westm̃ post Pasch. añ regni sui xviii. videlicet in
quindena sancti Ioh. Bap. ad instantiam magnatū
regni sui, concessit prouidit, & statuit quod de cete-
ro liceat vnicuique libero homini, terras suas, seu
tenementa sua, seu partē inde ad volūtatē suā vende-
re, ita tamē qd' feoffatus teneat terram illā, seu tenē
illud de capitali domino feodi illi⁹ per eadē seruitia
& consuetudines, per que feoffator suus illa prius
de

de eo tenuit.

¶ Et si partem aliquam earundem terrarum, seu tementorum alicui vendiderit, feoffatus ille h partem illam teneat immediate de capitali domino, & oñet statim de seruicijs quantum pertineat siue pertinere dz eidem capitali domino pro particula illa, secundum quantitatem terre seu ten sic venditi. Et sic in hoc casu deciderit eidem capitali domino ipsa pars seruitij per manus feoffati capiend' ex quo feoffatus h debet eidem capitali domino, iuxta quantitatem terr' seu ten venditi de particula illius seruitij sic debiti esse intendens & respondens. Et sciendum est quod per predictas venditiones, seu emptiones terrarum, seu ten, aut ptis alicuius earundem, nullo modo possint t're seu ten illa in part vel in toto ad manum mortuam deuenire, arte vel ingenio contra formam statuti super hoc dudum editi 7. E. 1. de Religiosis. h Et sciendum est quod istud statut' teneat locum de terris seu tenentis venditis tenend' in feodo simplici tantum. Et quod se extendat ad

tempus futurum. Et incipiet lo-

cum tenere ad festum sancti

Andree ap'li proximo

futu'. An. regni

regis E. filij

regis H.

xviiij.

¶ Explicit statut' westm iij.

¶ Modus leuandi fines edit'
An. 18. E. primi.

¶ Fines. 3.



Quant le briez original soit lie en presence des parties deuât Justices, dōsques dirra un countour issint. Sir iustice, cōige d'accord, Le Justicē luy dirā q' dirra. Sir Robert, & nommera un des parties. Dōng quant ils serrōt agree de la somme del pecunie que est done al roy donques dirra le iusticē Cries la peace. Et puis dirra le countour. issint que la peace est tiell', a vous conge, qui William & Alice la feme, qui cy sont recognissent le maner de B. oue les appartenances contenus en le b're, estre droit du R. cōe cell que il ad de leur done, a auer et tener a luy & a ses heres, de W. et Alice, & les heires A. come en demesne, rents, seigniouries, courtz pless, purchases, gard' mariages, reliefes, eschetes, molins, auosors de esglises, & toutz autres franchises, & franke customes alauantdits man' appartenant, rendant per an a M. & ses heires chiefes seigniors de fee, service due, & customes pur tous seruices. Et fait assanoir qui order de ley ne suffre mye, que final accorde soit leue en la courte le roy sans

sans brieve original, & ceo a tout le meins
deuant iiii. Iustices en hauke, ou en eyre, &
non pas aillours, & en presence des parties
nosmes en brieve, queux soient de pleins age
& de bone memoire, et hors de prison. Et si
seme couert de baron soit un des parties,
donques couient que el soit primerment co-
fesse d'iiii. iustices auantditz. Et si el n'as-
sent al fine, ne ceo liuee mie. Et la cause pur
que tiel solempnitie doit estre fait en cel fin
est, pur ceo que fine est si haute barre, et de
si graunde force, et de si puissant nature en-
soy, que el forclos nemy solement ceux que
sont parties et priues a la fyne, et leur hey-
res, mes toutes autres gentes d'munde, que
sont de pleins age, hors de prison, et de bon
memoire, et deins les iiii. meres, le iour

del fine lene, ils ne mettront

leur claime de leur accis

ou pur le pais, deins

lan et le iour.

¶ vide placit

60 fo. 354.

**¶ Statutum de vocat ad warr
editum Añ xx. E. j.**

¶ Voucher 5.

CUm tenens implacitatus in placito terræ temporibus retroactis vocauerit aliquē ad warrant, & petens super hoc verificare voluerit, quod nec vocatus, nec aliquis antecessorum suorum a tempore seisine & antecessoris ipsius petentis fuerit in seisine de tenē predictis, nec in dominico nec in seruitio, sed si ille vocatus ad warrant fuerit presens & gratis tenenti warrantizare voluerit, predicta verificatio petentis admitti non consuevit, nisi vocatus absens fuerit, & hoc ratione cuiusdam statuti domini Regis nunc, editi inter cetera statuta sua p̄m V Vestm cap̄ 39. & propter quod dominus Rex animaduertens fraudem, deceptionem, & maliciam, & etiam clamnum suum, & exheredationem coronæ suæ, q̄ in casu predicto in curia sua multociens posset interuenire, & isto die interuenerit. Cum quidam tenētes de ipso Rege in capite per baroniam integram in quodam placito pendente coram Iusticiariis de banco vocauerint ad warrant de demāda particulariter quosdam garciones ignot, & extraneos, quos presentes duxerint, & quorum antecessores aut ipsimet, nunquam in tenē que warrant, aliquid habuerint, aut in aliquibus terris aut tenē alijs in regno suo, neque in dominico, neque in seruitio, (ptout a diuersis domini Regis fidelibus testabatur)

batur) vt per cautellam illam, fraudem, & malici-
 am, ipsi per baroniam tenentes auferre possent dño
 regi misericordiam suam, in quam inciderint, si
 petens versus eos dentandam suam recuperaret. Et
 similiter cum garciones warrant, vcz quilibet de
 portione quam warrant debet in casu vbi duellum
 iacet, possit se defendere per corpus seruiantis sui
 prouisi, & conducti per ipsos baroniam teneri-
 tes. Et sic super vno breui, & vna demanda iam
 fuerunt duo vel tria duella vadiata, q̄ durum est,
 & exemplum perniciosum tempore futuro p pau-
 peribus petentibus versus magnates & diuites, qui
 se per maliciam predictam defendere voluerint,
 nec petens contra dictos warrant, quando vocati
 fuerint verificationem suam in forma predicta ha-
 bere possit, eo quod ipsi vocat presentes fuerint, &
 gratis warrant: dominus rex de consilio suo com-
 muni, statuit, & firmiter de cetero, videlicet a festo
 sancti Hillarij, anno regni sui xx. precepit observa-
 ri, q̄ quicumque tenens aliquem vocauerit ad war-
 rant, & petens in forma predicta verificare
 voluerit, addm̄ eius verificatio, siue vo-
 catus fuerit absens, siue presens,
 nullo habito respectu ad e-
 ius presentiam vel ab-
 sentiam.

¶ FINIS.

¶ Statut de defensione iuris,
edit Anno xx. E. j.

¶ Rescripte. 2.

CUm quis aliquod breue domini Regis impetret versus tenentem per legem Anglie, vel feodum talliatum, vel sub nomine dotis, vel alio modo, ad terminum vite, vel annorum, & petens tantum fuerit prosecutus, quod tenentem sunt quasi admittenda & sibi adiudicanda & super hoc venerit alius ante iudicium redditum a latere, dicens se habere feodum & ius in tenementis illis & curiam supplicauerit, quod ex quo ante iudiciu venerit tenentem sua defendere, & paratur inde petenti respondere, ad hoc admittatur ratione cuiusdam statuti domini Regis nunc, inter cetera vltima statuta VVestm edita h. v. 2. cap. 3. h. per quod statutum tam nullum ius habentes, quam illi qui ius habent multociens in casu predicto falso & in deceptionem curie superuenerint, & petierunt se admitti responsuri, vt per admissionem suam possent petentem elongare de iudicio, & seifina dñe sue habende, & ad faciendum eosdem petentes de nouo placitare, & sic petentes in casu predicto in curia Regis sepius elongantur a iure suo, per maliciam supradictam, tam de falsitate de predicto statuto superueniente, quam ex iusta causa rationabili, & hoc coram iusticiarijs multociens contingit & inuenitur, propter quod dominus rex, ad
ma

maliciam predictam in predicto casu destruendū,
remedium volens apponere, in pleno parlamento
suo ex communi consilio suo statuit, & firmiter de
cetero, videlicet a die lune proximo post festum
Purificationis beate Mariæ virginis, anno regni
sui vicesimo precepit obseruari, quod cum aliquis a
latere ante iudicium in casu predicto superuene-
rit, & petierit se admitti, antequam admittatur
inueniet sufficientem securitatem prout curiæ vi-
sum fuerit, ad respondendum petenti de valore
exituum tenē sic amittendorum a die quo recipitur
responsus, vsque ad diem quo iudicium finale fiet
super petitionem petentis. Et si ille petens de-
maundam suam recuperet, grauiter amercietur
defendens, si habeat vnde. Et si non habe-
at vnde, committatur gaole, ad voluntatem regis.
Et si verificare poterit ius suum esse tale, quale
illud asserit quando petit ipsum admitti, tunc sit
quies.

¶ Explicit.

¶ Stat de finibus leuatis, editum

Anno xxvij. E. j.

¶ Fini 1, Cap. 1.

Quia fines in curia nostra leuāt finem
litibus debent imponere, & imponunt,
& ideo fines vocantur, maxime
¶ cum ¶ post duellum & magnam
M. j. alsilana

De finibus leuatis.

assisam in suo casu vltimum locum finalem teneat
in perpetuum, iamque per aliquod tempus prete-
ritum, tam tempore claræ memoriæ domini Hen-
rici regis patris nostri, quam nostro, partes eorun-
dem finium & earum partium heredes (contra le-
ges & cōsuetudines regni nostri antiquitus vsitas)
super huiusmodi finibus adnullandis & euacuan-
dis admittebantur, proponentes quod ante finem
leuatam, & tempore leuationis eiusdem, & postea,
petentes, seu querentes, aut eorum antecessores de
tenementis in finibus contentis, aut de aliqua parte
eorundem, semper fuerunt seisi, & sic fines huius-
modi rite leuat per iuratores patriæ falso suborna-
tos, & maliciose procuratos, multociens euacuabā-
tur & adnullabantur minus iuste. Nos volentes
super premisis remedium adhibere, in parliamen-
to nostro ad westm̄ statuimus, quod dicte excep-
tiones, seu responsiones vel inquisitiones patriæ
super huiusmodi exceptionibus seu responsioni-
bus nullo modo contra huiusmodi recognitiones
& fines de cetero admittantur. Et nos vero volu-
mus, quod statutum istud tam locum habeat ad
fines prius leuatos, quam in posterum leuandos.
Et videant Iusticiarij, quod note, & fines in curia
nostra in posterum leuandi, publice & solemniter
legantur, & quod placita interim cessent omnino,
& hoc fiat per duos dies in septimana, secundum
discretionem Iusticie.

Shiriff

Shiriffes 1. Cap. 2.

¶ Item ordinauimus de consilio nostro, quod vicecom̄ de cetero non onerentur de aliquibus exit̄ leuand, nec aliquos leuent, antequam exeant de scaccario per extractas iustic̄ ibidem liberandas. Et quod in extractis Iustic̄ singula capita onerent de exitibus suis forisfactis, sicut & de amerciamētis. Et si forsan aliquis vicecom̄ responderit de exitibus alicuius recognitoris, vel plegij, seu manucaptoris per ipsum oppositi, & in curia nostra retornati qui ad solutionem eorundem exituum seu amerciamementorum tempore retorni non sufficiat, idem vicecomes ad scaccarium nostrum inde oneretur & respondeat. Et caueant sibi vicecomites sub graui forisfactura quod de cetero faciant singulis tallias de denarijs quibuscunque per preceptum nostrum per ipsos vicecomites & subditos suos receptis. Et quod non retornent alicubi nomina manucaptorum, iuratorum, seu aliorum, nisi ipsi manucaptore, iuratores, seu alij, secundum tenorem breuium nostrum vicecomit̄ inde directorum, ad hoc legaliter & manifeste ponantur. Nec retornent aliqua nomina plegiorum liberorum hominum, nisi ipsi manifeste se plegios consenserint. Et super hoc statuimus, quod quolibet anno semel in anno mittantur vnus baro, & vnus clericus de dicto scaccario nostro per singulos comitatus Angliæ, ad imbreuiandum nomina omnium, qui anno illo debita per veridem ceram ab eis exacta soluerint. Et ijdem baro & clericus, tallias illas

M.ij. videant

De finibus leuatis,

videant, & imbreuient, & audiant & terminent querelas super vic', & clericos suos, & balliuos contra premissa venient, & grauiter puniant transgressores.

3 ¶ Quia vic', & alij, temporibus retroactis latrones notorios, & manifestos, & pro morte hominis, & alijs felonijs captos & imprisonatos, & qui non sunt replegiabiles, per pleuin dimiserunt, contra formam statuti nostri apud VVestm̄ editi de his qui sunt replegiabiles, & qui non § S. VV. 1. cap. 1 §. § per quod ipsi malefactores irreplegiabiles, sunt replegiati. ad quorum deliberationem falso faciend, iuratores patrie per se & amicos suos, ante aduentum iusticie itinerantium, aut aliorum ad eorum deliberationem assignari, procurant & subornant, alijsque minant, propter quod tam propter metum vic', & aliorum per talem pleuinam illos dimittentium, quam timorem eorundem latronum seu felonum sic deliberari, coram Iusticiarijs ad gaolas deliberandas assign huiusmodi latrocinia & homicidia suffocantur, & ipsa sic concealata penitus remanent impunita: Nos pro vtilitate regni nostri, & pace nostri firmitus obseruanda, statuimus & ordinauimus qd Iusticiarij ad assisas capiendas assignati, in singulis comitatibus, vbi capiunt assisas: prout ordinatum est, statim post assisas captas in eisdem comitatibus remaneant ambo si laici fuerint. Et si vnus ipsorum clericus fuerit, tunc associato illi iusticie qui laicus est, vno de discretioribus militibus comitatus illius, per breue nostrum deliberent gaolas in com illis tam infra libertatem quam extra de prisona

De finibus leuatis. 91

sonarijs quibuscunque, secundum formam deli-
berationis gaolæ comitatum illorum hactenus
vsitatam. Et iidem iusticiarij tunc inquirent qui
vic. & alij, prisonarios irreplegiabiles per pleuinā
dimiserunt, vel in aliquo contra formam statuti pre-
dicti nuper apud westminster edic, delinquent: et quos
culpabiles inde inuenerint ipsos in omnibus secū-
dum formam statuti predicti puniant & castigent.
§ 28. E. 1. de appellar.

¶ Nisi prius.

Cap. 4.

¶ Item cum statuerimus, quod nullus ponat alicu-
bi extra com in recognitionibus, inquisitionibus, &
iuratis aliquibus, qui minus quam C. s. terf, vel red-
dit habeat, per quod tam ipsi q plus terre habentes
propter frequent, tam ad scrm nostrum quam co-
ram iustic. nostris de utroque banco summonitio-
nes, depauperentur. § 21. E. 1. de ponendis in assis
& iuratis. Nos tant intolerabilem populi nostri la-
cturam aduertentes, non solum ad eorund iurato-
rum exonerationem, sed etiam ad celerem partibus
in curia nostra placitantibus iusticiam exhibend
statuimus & ordinauimus, quod inquisitiones &
recognitiones coram iustic. de utroque banco de ce-
tero adiudicande, capiantur tempore vacationis co-
ram aliquo iustic. eorundem, coram quibus placi-
tum deductu fuerit, associato sibi vno milite com il-
li, vb tales inquisitiones emerferint, nisi fuerit inqui-
sicio, magna indiges examinatione. Et sic in hmi in-
quisitionib⁹ capiendis de cetero fiat prout iustic. ad
utilitat regni nostri potius esse viderint faciend,

M. iij.

non

Articuli super chartas.

non obstante statuto super apud VWestm. 2. cap.
30. super huiusmodi inquisitionibus capiend' edit',
continent' quod si omiffa forma in statuto illo or-
dina' aliquæ inquisitiones capiantur, pro nullis pe-
nit' habeantur. Dat' apud VWestm' secundo die
April. Ann. regn. nostr' xxvij. 12. E. 2. cap. 3. De
statuto Eboracenc'.

¶ Explicit statuf de finibus
leuatis.

¶ Atticuli super Chartas, edit' Anno, xxviii, E. i.

Pur ceo que les pointes de la graunt
Charter, des fraunchis. & de la forest
les queuz le roy Henry pier nostre
seignior le roy que ore est, graunta a
to people pur le p'iuie de son roialm,
ne ont pas este tenus, ne gardes auant ces
heures, pur ceo que auant ces heures peine
ne fuit establie vers les trespassants con-
tre les pointes des Charters auant ditez.
Nostre seignior le roy les ad de nouel grant
renouel et confirme, Et a la requestes des
prelates, countes, & barons a son parliamēt
a westminster, en quaresme, lan de son reign
xxvij. ad certaines points affirm', & peiss' or-
deigne, et estable encounter touts iceur, que
encounter les pointes des auant ditz char-
ters

ters ou nul poynt de eux, en nul maner byens
drot, ou mispredret, en la fourme q̄ sensuit.

¶ Confirmation. 2.

Cestascavoire que de cy en auant la
graund charter des fraunchises Dengleterre,
grant a tout la commune Dengleterre, et la
charter de la forest en mesme le maner grāt,
soient tenus, gardes, & maintenus en ches-
cune article, et chescune point, auxi plein-
ment come le roy les ad graunt, renouele,
& par la charter confirme. Et que sels char-
ters soient baillez a chescune viscount De-
ngleterre desoubes le seale le roy, a lier qua-
ter foitez par an deuant le people en playne
countie: testascavoire au procheine countie
apres la saint Michell, au procheine countie
apres le noel, au procheine countie apres la
Pasque, et au procheine countie apres la
saint John Baptist. Et a ceux deux char-
ters en chescune point, et en chescune artie-
cle dicel, fermement tenir, et garder ou re-
medye ne soit auant par la common ley, soi-
ent esliens en chescune countie per la comen-
te mesme la countye tropz probes homes
chivalerz ou autres loialz, sages, et auises,
que soient iurs, et assignez per les letres le
roy outz de son grande seale, de oper et ter-
miner, sans auer bziefz que lour comen-
grant, les pleintez que se serrent de toutes
iceux, que contreuiendront ou mespren-
dront en nul dez ditz pointez des auant-
ditz charterz en countiez ou ilz sōt assignes,
auxibien de dres franchises, come dehoiz, &

M.iiij.

auxibien

Articuli super chartas.

auxibien des ministres le roye, hors de leur places, come des auters, & les plaintes oper de iour en iour sans delay: & les terminent sans alloxer les delaies, q̄ sōt alloxees per la comen ley. Et que meisme ceux chivalers, eyent poier de punier tous ceux que serront atteints de trespass fait encouter bl point des chartres auantdits, ou remedy ne fuit auant per la comen ley, auxi come auant est dit, par imprisonment, ou par ransom, ou p amerciament, solongue ceo que le trespass le demaũd. Et per ceo nentend pas le roy, ne nul des soiens que a cest ordeignement fuerent, que les chivalers auantdits, seignent nul plee par le poier que done leur soit, en cas ou auant ces heures fuit remedy purueu solong la comen ley par brieve: Ne q̄ preiudice soit fait a la comen ley, ne a les charters auantdits, en nul de leur points. Et voet le roy, q̄ si tous trois ne soient presentes, ou ne purront a tous les foits attendre, a faire leur office en la forme auantdit, q̄ deux des trois le facent. Et ordeign est, q̄ les biscounts & les baillifs le Roy soient attendates a les comandemens des auantdits Justices, en quant q̄ appet a leur office. Et oust ces choses grates sur les points des chartes auantdits, le roy de sa grace especial, en alleueance des greuances, que son people ad esu par les guerres que ont estre, & en amendement de leur estate, & pur tant q̄ ils soient plus prestes a son service, & plus voluntiers aidants, q̄nt il en auet a faire: ad grant ascus articles
les

les queux il entend que ryendront auxi bien
lieu a son peuple, & auxi graunde profite
ferront, ou plus, que les pointes auant
grantes.

Purueiours. 4. & 5. Cap. 2.

En primes pur ceo que vn grãd greuac.
est en cest roialme, & dach sans number, de
ceo que le roy & ces ministers de la roialm,
auxibien les aliens come les denizens, font
leur prises par la ou ils passēt par my l'roi-
alme, & parnent les biens des gēts, des cle-
res, et des lais, sans rien paier, ou bñ meins
que la balne. Ordeine est, que de cy en auant
nul ne preigh prises par mie le roialm, fors q̃
les parnours le roy, et les purueiours pur
lostell le roy. Et q̃ les pnours le roy, et pur-
ueiours pur son hostell ne preignent ryens,
fors pur mesm l'hostell. Et des prises que
ils ferroūt per mie le pais de manger ou de
boire, et des auters menus necessaries pur
lostell, que ils facent la paie ou gree a ceux,
des queux les choses seront prises. Et que
toutes ceux parnours le roy, puruepoures,
ou achatours, eyent de cy en auant leur gar-
rantie ouesque euy du graunde seale ou vn
petite seale le roy, conteignant leur poiar, et
les choses dont ils ferroūt prises, ou puruei-
ance, le quel garrrāt ils mōstrent a ceux des
queux ils ferront la prise, auant ceo que ils
empreignēt rien. Et que ceux parnours pur-
uepours, ou achatours le roye, ne preignent
plus que besoigne et mestre ne soit pur l'roy
et son hostell, et de ces enfants. Et que riens

ne

Articuli super chartas.

ne pzeignent pur ceux que sont as gages, ne
pur nul autre. Et que ils respoignent è lof-
tell, ou en la gardrobe pleinement de toutes
leur prises, sans faire leur largesses aillors,
ou leueries des choses, que pur le roy serront
prises. Et si vi parnour del hostel le roy, p
garrantie que il est, face prises, ou liueres en
nul maner, que desuis nest dit, per plait fait
al seneschall, & au tresorer del hostel le roy
soit la veritie inqse. Et si de ceo soit attain-
t soit græ maintenant fait al plaintif, & soit
ouste de seruiçe le roy pur toutes iours. &
demurge en prison a la volonte le roy. Et si
nul face prises sans garranty, & les emport
encounter la volonte de celui, a que les biens
sont, soit maintenant arrest par la ville, ou
le prise sera fait, & ameli a la pchein gaole
Et si de ceo soit atteint, soit la fait il lui, cõe
de larõ, si la quantitie des biens ceo demand.
Et quant as prises faitez en faitez, & en bõs
billes, & en portes pur la grande gardrobe
le roy, eient les parnours leur commẽ gar-
rant par le grand seale. Et des choses que
ils pzeindront, eient la tesmoign du seale du
gardein de la garderobe. Et des choses issint
p ceux prises, de nombre, de quantitie, & de
value soit fait diuidẽ entre les parnours &
les gardeins des faitez, maiors, ou chiefes
bayllies des billes et portes, par le bien de
merchantes des queux les biens serront is-
sint prises. Et rien ne luy soit suffer de pn-
dre, que il ne mette en diuidende. Et cel diui-
dende soit port en gardrobe soubes le seale
le

le gardeine, maior, ou chiefe baillife anāditz
 & la demurage tanqz sur l'accompt du garde-
 robe le roy. Et si soit trouue q' il ait au-
 ment prise que faire ne deueroit, soit puny
 sur l'accompt par le gardeine de le gardrobe
 le roy, solongz sa deserte. Et si il face tyeix
 prises sans garrante, et sur ceo soit attaynt,
 soit fait de luy come de ceux que sont pris-
 es par lostell le roy sans garf, come desuis
 est dyt. Et nentende nuy le roye, ne son
 counsaile, que par cest statute rien decresse
 au roy de son droyt des auncient prises dues
 et accustomes, come des vines, et auters
 biens: mesque en toutes pointes pleynement
 luy soit saue.

¶ Marshalse. 1. Cap. 3.

¶ Des estatuz des seneschalx, & des mar-
 chalx, & des ples que eux deuoient tenir, &
 comēt: ordene est q' desormes ne teign ples
 de franktenement ne de dette, ne de coue-
 nant, ne de cōtract des gēts de people, forsqz
 tant solement de trfis del hostell, & dauters
 trespasses fait dedeis la berge, & des cōtractz
 et couenantes, que aucune del hostell le roy
 auera fait a auter de mesme lostell, & en m le
 hostelle & nemy aillours. Et nul ples de
 trespass ne pledzont, auter que ne soit attach
 par eux, auant ceo que le roy issira hors de
 la berge ou la trespass sera fait. Et les ples
 de haultiement de iour en iour, issint q' ils
 soient pledes & terminez auant ceo que le
 roy issent hors des boundes de cel berge, ou
 le trespass fuit fait. Et si per cas dedeinz les
 boundes

Articuli super chartas.

42
 hoūdes de cel berge ne poient estre termins,
 cessent tielx plæz deuāt le seneschall, & soiēt
 les plæz a la comē ley. Ne desormes ne pig
 ne le seneschall conusāces des detz, ne dau-
 ter chose, forsque dez gent del hostell auāt-
 dit, ne nul auter plæ ne tiendē par obligacō
 fap̄t a le distresse le seneschall, ou le mares-
 chall. Et si lez seneschal, ou l'z mareschalz
 rien faciēt encoūter cest ozdinance, soit lour
 fait ten^r pur nul. Et pur ceo q̄ auāt cez heu-
 res mults ds feloniez faits dedeinz la berge
 oūt este depunis, pur ceo que lez coronerz de
 pais ne se ount pas entremis denquerer dez
 tielx maners des felonies dedeines la berge
 mes le coroner del hostel le roy, q̄ est passant
 de quoy issue nad mie este fait en du maner,
 ne lez felons mise en exigent, ne btlages, ne
 rien de ceo p̄sent en eire, q̄ ad este a grand
 damage du roy, & a meins bone gard de la
 peace: Ordeine est que desormes en case de
 mort de home, ou office de coroner appēt as
 vieus, & enquests de ceo faire, soit maunde
 al coroner del paiz que ensemblement oue le
 coroner, del hostel le roy face l'office que ap-
 pent, & le meter enroll. Et ceo que ne pur-
 ra mie deuant le seneschal estre termine, pur
 ceo que les felonz ne purront estre attaches,
 ou pur auter enchealon demurge a la com-
 men ley, issint q̄ les exigentes, btlagaries, &
 p̄sentmentes en eyre soient de ceo fap̄tes
 par le coroner du paiz, auxi come des au-
 t̄ers felonies fap̄tes hors de la berge. Mes
 pur ceo ne soyte lesse, que les attachements
 ne soy-

ne soyent faytes freshment sur les felonies
faytes.

Cōmen ples 2. Cap. 4.

C Duster ceo nul cōen plee ne soit desor-
mes ten^r a leschequer, encount la for^m de
la graund charter. fca. 11.

Chauncerie 1. Cap. 5.

C Et dauter part le roy voet q^d l' Chas-
sellour & les Justices de son banke luy
suiuent issent que il eyit toutes iours pres
de luy ascune sages de la ley, que sachent
les besoignes, que beignent a la court due-
ment deliuerer a toutes les foites que me-
stier serra.

Seals 1. Cap. 6.

C Desouth l' petit seal, ne issera y desor-
mes nul b^e que touche le comen ley.

7 **C** Le Constable du chastel de Dover
ne plede desormes a la port de chastel nul
plee fozein du countie, que ne touche l' gard
du chastel. Et le dit Constable ne distregⁿ
les gents duerinquen portes a pleder ailours
ne en auter maner que ils deuoient, solong
la for^m des chartes q^d ils ount des roys, de
leur fraunchises auncients, affirmes par le
grand charter fca. 4.

Sheriffe, 3. Cap. 8.

C Le roy ad graunt a son peop^l, que ils
eient election de leur viscount, en chescun
countie ou viscount nest mie de fce, ils voi-
lent. fpost cap. 13.

In iours 4. Cap. 9.

C Le roy voet, & commaunde, que nul
viscount

Articuli super chartas.

discount, ne baill' ne mette en enquestes, ne in iuries plus des gents, si auters ne en auter maner que il est ordeine par estatut, & que ils mittent en tiels enquestes, et iuries le plus prochein le plus suffisant, et meines suspicious. Et que autrement l'fra, et de ceo soit attainit, rend au plaintife ses dam au double, & soit en la greue mercy le roy. f. w. 2. ca. 38.

Conspiracie 2. cap. 19.

En droit des conspiratours, faux enformours, & malueis pcurours des doucelines, enqsts, assises, & iures, le roy ad ordien remedy as plaintifes par brieve de Chancellerie. f. 33. c. 1. de conspiratiō. Et indmaines voet le roy, q les Justices de lune bank & del auter, & iustic. bassises prend assignes, quant ils beignent en pais a faire lour office, de ceo facent lour enqsts a chescū pleint sans brieve, & sans delay facēt droit as pleintifes.

Champerie 3. cap. 11.

De rechefe pur ceo q le roy auoit auāt ordeign par estatute f. w. 2. ca. 49. f. que nul de ses ministers ne prist nul plee a chāperie, et p cel estatut auters ministers nestoient pas auant ses heures a ceo lies. Voet le roy, q nul minister, ne nul auter, pur part auoier des choses que sont en plee, enpigne les besoignes q sont en plee. Ne nul sur tiel couenant son droit ne lesse a auter. Et q bl l'face, & de ceo soit attainit, soit forfait, & encourt deners l'roy des biens, & des terres
le

le parnour, a la balue de tant com la partie
de so purchase par tiel emprise amouitet. Et
a ceo atteind, soit resceu celui q suer boudé
pur le roy deuât les Justices, deuant queux
le plee auet este, & per eux soit laggard fait.
Mes en ceo cas nelt mie a entēdre, que hom
ne poet auer counsaile des cōtours, & des
sages gentes pur son donant, ne de ses pro-
cheine amies.

Det al roy 4. cap. 12.

Et De recheffe voit l' loy, q distresses que
sont a faire pur la dette, ne soient faites par
bestes des charues, tanque come home poet
auter trouer, solonq ceo que est ordeine ail-
lours par estatute, oue la paine &c. 65 1. 13. 3.
de distē scaccarij 6 Et ne boet q trope greue
distres soit pzise pur la dette ne trope loigā
mesne. Et si le dettour puisse trouer suffi-
sant, & conuenable suertie. ieq a un ioure
deines le iour al vicount, de depnes l' quel
home puisse purchaser remedie a fait gree
de la demaunde, soit la distres releue ende-
mentiers, & que autermt le fra, soit greue-
ment puny.

4. Sheriffes Cap. 13.

Et pur ceo q le roy ad grant la electiō
des viscounts a ceux des countes 48. ante-
a. 8. 7 boet le roy q ils eslient tielx vicōtz,
que ne les charge mie: & ne mettent nul mi-
nistre en baillie pur louer, ne pur done. Et q
tiels ne se herbergent trope souēt en un li-
eu, ne sur les pouers ne sur les religious,
49. E. 2. Lincoln de vicecomitibus. 6

Hundreds

Articuli super chartas.

Hundreds 1. Cap. 14.

De rechete boet le roy, que les baillies & les hund du roy, ne les auters grañd fñs, de la terre, ne soient lesses a trope grounde comme a ferme, par quoy le people soit greue ne charge per contribution faire a tyeix fermes.

Troces 1. Cap. 1. 15.

En sommons, et en attachementes en plee de terre, desozmes conteigh la sommòs ou lattach l' term des v. iours a tout le meines, solòq; la comè ley, al ne soit en attachant des assises prend en pñence l' roy, ou des pleges deuāt iustic. ē eyze durant le eire, ¶ vi de Harlebē. cap. 12.

Retorne de vicount 4. Cap. 16.

Soit fait de ceux que sont faux retozñ des bñefes al maundement le roy, par quoy dropture est delay, auxi come ozdeyne est en le seconde estatute de Westminster ¶ capit 39 ¶ oue la peine.

Proclamation 1. cap. 17.

Et pur ceo que multz messesours sont en la terre plus que ne solent, et robberies, arsons, et homicides faits sans nòber, et la peace meines bien garde, pur ceo que lestatute, que le roy fist faire nadgares passes a Wyynchester ¶ An. 13. E. 1. ¶ nad pas este tenu. ¶ Doet l' roy q̄ cel estatute soit de nouel enuoy en chescune countie, & soit lie & publie. iiii. foits par ā, auxi byen come les deux grand charters, & firment gardes en chescune poynt, sur les peynes que la cyens sont assises

assises. Et a cel estatute garder et maintenir, soient charges les trois chivalerz, que sont assignes per my les counties pur redresser les choses faits enconter les grand charters, & de ceo eient garrantie. ante capit. 1.

¶ R. 2. 8. cap. 18.

En droit des waists et destructions faites en gardes peschetors et subeschetors de melons, bois, parkes, viuers, et de toutz auters choses, que eschiount en le mayne le roy. Moet le roy, que celui que auet l'assise rescu, eit brieve de waist, en la Chauncery vers leschetor de son fait, ou subeschetor de son fait, sil eit de quoy respondre, et sil nad de quoy, cy respond son soueraign per autiel peine, quant as dammages, come darreine ordeine est per estatute sur ceux que font waste en gardes. *¶ Gloz chap. 5. West. 1. cap. 21.*

¶ Linerie & ouster le maine. 2. cap. 19.

De rechiese la ou leschetor, ou le biscont seisent en la maine le roy auters fres la ou il nad reason de seiser; et puis quant troue est l'no reason, les issues du mesm temps ont estre ceo en arere retenus, et nemy rendus, quant le roy ad la maine ouste. Moet le roy que de soymes, la ou terres sont issint seises, & puis la maine ouste pur ceo q'il nad reason de seiser, ne ceo tener, soient les issues pleinement rendus a celui a q'la terre demurre & aua le dam rescu. 23. E. 1. De escaetoribus.

¶ 1.

Golde

Articuli super Chartas.

¶ Golde &c I. cap. 20.

Eordeigne est que nul orfurer d'Angleterre ne ailleurs de la seigneurie le roy, ne ouere, ne face de cy en auant nul manner de vessel, ne iatalx, ne autre chose d'ore ne d'argent, q̄ ne soit de bone et very alay, cest assauiore ore d'une certaine touche et argent del allay del esterlinge, ou de melior alay. solong le volunte de celui, a que les ouerers sont. Et q̄ nul ouer, peior, argent que money. Et que null manner de vessel d'argent, ne departe hors des maines des ouerours, tanz el soit assay per les gardeins de l' mistere, et auxi q̄ el soit signe dun teste dun Leopard. Et q̄ nul ne ouer peior ore que de touche de Paris. Et q̄ les gardeins du mistere allent de shope en shope ent les orseours, assaints q̄ loze soit tiel cōe la touche auantdit. Et s'ils trouont nul peior, que la touch, q̄ iouer soit forfait al roy. Et que nul ne face anneux, croiz, ne firmans, Et nul ne met pire en ore, si il ne soit naturel. Et que taillours des aimanz & des sealz rendent a chescun son pois d'argent et d'ore auxy auant come ils le purront scauer sur leur foialty. Et les ioyaux d'ore, q̄ ils ont enterraines de veil ouere, que ils sen deliueront a plus tost que ils purront. Et s'ils achatent desor en auant de mesme cell ouerage, que ils l'achatent pur defere, & ne my pur reuender. Et tous les bones villes d'Angleterre, la ou il y ad orseures, que ils facent per mesme lestature, cōe ceux de Londres font. Et que vn veigne de chescū ville pur

Articuli fuder chartas. 98

par touts, a Londres, de quel iour certeyn
touche. Et si vlt' ordeure soit attainit que
auterment le face que desuis n'est ordeure
soit punye par prison, & par ransō a la vo-
lunte le Roye. Et en toutes les choses de-
suis ditz, & chescune de els, doit l'roy, & tē
il & son counsell, & toutz ceux que a cest
ordeinement fuerent, que le droit &
la seignioury, de la corone sa-
ues luy soient par
toutes &c.

¶ Expliciunt Articuli super
Chartas.

Statutum de Appellatis,

Note that this statute is in other p̄rintes
vntrely entituled Modus Leuan-
di fines.

¶ Appeales 7.

CUm certi Iusticiai in singulis comitatibus
Regni ad assisas in eisdem capiendas de-
nouo assignati sint, simulque ad de-
liberationem Gaolarum eorundem co-
mitatuum in singulis aduentis suis fac-
post captionem earundem assisarum,
prout in statuto domini regis inde confecto
N.ij. plenius

Statutum de Appellatis.

plenius continetur. § 27. E. 1. ca. 13. de finibus leuatis. § Dominus rex ad parliamentum suum apud westm, Anno regni sui xxviii. pro pac' firmitus obseruanda, felonibusq; celerius conuincēd, & prisonibus citius deliberand, concessit, ordinauit, & statuit, quod quicunque fuerint appellati p probatores existē in gaolis, quas ipsi Iustic' deliberant, & vbicunque in regno nostro ipsi appellat commorantes fuerint, aut latitantes, quod statim mandet vic', in quorum balliua taliter appellati fuerint conuersantes aut poterint inueniri, per breue domini Regis sub testimonio eorundem Iustic' q taliter appellatos capiant & ducere fac'. ad gaolas vbi appellatores per quos appellat fuerint detenti, & ibidem coram ipsis Iustic' respondeant. Et si ipsi appellati, se super patriam posuerint, similiter mandetur per breue de iudicio per eosdē Iustic' vic', in cuius balliua felonix facta fuerint, de quibus appellatur, quod venire faciat coram eisdē Iustic', inquis. patrie ad eundem locum, vbi appellatores sunt detenti, ad certum diem. Et vic' & alij in quorum custodia appellatores detinentur, admittant sine contradictione appellatos per eosdem probatores, cum idem appellati capti fuerint in forma predicta, & ad ipsos appellatores adducti.

Stat' de coniunctim feoffatis.

Anno. xxxiiii. E. i.

¶ Assise. 9.



Ex omnibus ad quos &c. salutem. Non est nouum quod nos in ceteras legum editiones quas temporibus nostris adinuenumus, pro nimia & enormi transgressione, que in breuibus noue disseisine contingit pre ceteris, in illis breuibus celerius apponi decreuimus remedium. Et quia quampluries contingit, quod in assisa noue disseisine tenens excipit, contra querentem, quod tenet ten petita coniunctim feoffatus cum vxore sua non nominata in breui, aliquando cum aliquo extraneo qui similiter non nominatur in breui & profert chartam que hoc testatur, & petit iudicium de breui; concordatum est & statutum, quod si pars querens offerat verificare per assisam, quod die impetrationis breuis sui, ille qui talem exceptionem proposuit, fuit solus tenens, ita quod vxor sua, nec alius aliquid habuerit in predictis tenementis, tunc iustic' coram quibus predicta assisa arraniata est, retineat predictam chartam saluo in custodia eorundem, quousque assisa inde inter eos transierit, vt illam que quasi dicta est. Et scire faciant per breue nostrum sub eorum testimonio, parti absenti, quem charta

N. iij.

testat

De coniunctim feoffatis.

testat̃ simul cum tenente qui presens est coniunctim feoffatum; quod sit ad certum diem responsurus, simul cum alio tenenti parti querenti, tam de exceptione proposita, quam de teñ petitis & positis in visu, si sibi viderint expedire. Ad quem diem si ambo qui dicunt tenentes venerint, & feoffamentum illud aduocauerint, respondeant, & manuteneant exceptionem per vnum eorum propositam, & similiter vltius ad assisā, ac si brẽ originale super eos coniunctim fuisset impetratum.

Et si conuincatur per assisā, quod exceptio illa in retardationem iuris querentis maliciose fuit proposita, eo quod ipsi non fuerunt coniunctim feoffati de teñ illis, die impetrationis predicti brevis, tunc licet assisa illa trāierit pro tenentibus & contra querentem, nihilominus puniantur talem exceptionem proponentes, per prisonam vnus anni, a qua non exeant sine graui redemptione.

Et caueant de cetero iustic' quod talem exceptionem sic propositam per balliuos aliquorum tenentium non admittant. Si autem ille qui exceptionem illam proposuit se ad diem illum absentauerit, & alter qui dicitur coniunctim feoffatus comparuerit, licet ipse comparens predictam cartam aduocauerit, & dixerit se nihil habere in predict teñ, nihilominus adiudicetur assisa versus tenentem absentem per eius defaultam. Et si conuincatur per assisā, quod ipsi non fuerunt coniunctim feoffati, die impetrationis brevis predicti, & si similiter conuincatur quod tenens super quem breue fuerit impetratum, vel alius nominatus in breui discesserit querentem, tunc

tunc habita consideratione ad exceptionem in le-
sionem partis falso & maliciose propositam, & ad
disseisinam per eos factam, pars querens recuperet
seisinam suam & dampna sua in duplo, & propo-
nentes illam exceptionem habeant pœnam supra-
dictam.

¶ Si autem neuter tenentium ad diem illum vene-
rit, tunc per eorum defalē versus eos capiatur assisa.
Et si compertum sit per eandem, quod exceptio illa
vere & rite sit proposita, quia ipsi qui eam propo-
suerint fuerunt coniunctim feoffati antequam que-
rens breue suum versus eos impetrauerit, non pro-
cedatur vltcrius ad assisam sed cassetur breue que-
rentis. Hoc idem obseruetur si ambo vel vnus
tantum venerit, si comperiat per assisam, quod ex-
ceptio pred' (vt predictum est) veracit' fuit proposita.
Eodem modo statutum & concordatum est, quod
in assisis mortis antecessoris, & breue de iuris vtrū,
ad primum diem quo partes comparuerint in curia,
si tenens proponat predictam exceptionem contra
petentem, & de hoc pretendit chartam, & petens
offerat verificare per assisam vel iurata, quod die
impetrationis breuis sui, ille qui talem exceptionem
proposuit, fuit solus tenens, extunc idem proces-
sus & modus procedendi seruetur in huiusmodi
assisa mortis antecessoris, & breue de Iuris v-
trum, qui preordinat' est, & statuit in assisis no.
disseisine.

Et eadem pœna delinquentibus & conuictis
infligat'. In alijs vero breuib' per que tene-
menta petentur, talis fiat processus, quod si pri-
mo die quo partes comparuerunt in curia, tenens

De coniunctim feoffatis.

proponat exceptionem prædictam de coniuncto feoffamento & petens offerat verificare per iuramentum patriæ, quod die impetrationis brevis sui, ille qui exceptionem illam proposuit fuit solus tenens, tunc idem processus & modus procedendi servetur inter partes, quousque iurata inde inter eas transferit. Et si comperiatur per iuramentum quod exceptio illa veraciter fuerit proposita, tunc cassetur breue petentis. Et si comperiatur per iuramentum, quod exceptio illa falso & maliciose in læsionem partis fuit proposita, tunc petens recuperet seisinam suam de tenementis petitis, & tenens puniatur per penam supradictam in assisa nouæ disseisinæ, quoad prisonam, & quoad dampna secundum discretionem iusticiariorum. Et volumus & concedimus, quod istud statutum incipiat locum tenere in crastino sancti Petri ad vincula proximo futuro.

¶ Indicavit.

¶ Quia etiam lites in curia Christianitatis hactenus indebitas dilationes multotiens sortiebantur, per hoc quod breue nostrum quod vocatur Indicavit, iudicibus talium lituum in initio earum dilatum fuit, & super hoc capitalis iusticiarius noster ad consultationem super tali processu faciendam, rite seu debito modo nequit procedere, concordatum est, quod tale breue Indicavit alicui de cetero non concedatur, antequam lis in curia christianitatis inter partes fuerit contestata, et per inspectionem libelli cancellarius noster certioretur super hoc.

In

Stat de fragētibus prisoñ. 101

In cuius rei testimonium has litteras nostras
fieri fecimus patentes. Teste me
ipso apud VVestm̄ 27.
die Maij. Añ regni
nostri 34.

¶ Explicit statuf de coniunctim
feoffatis.

¶ Statuf de frangentibus pri-
sonam, editum Anno. i.
E. primi. ii.

Felony. 2.



E prisoñarijs prisoñam frangen-
tibus, dominus rex vult & preci-
pit, quod nullus de cetero qui pri-
sonam fregerit, subeat iudicium
vite vel membrorum pro fractio-
ne prisoñ tantum, nisi causa pro
qua captus & imprisonatus fuerit, tale iudicium
requirat, si de illa secundum legem & cons.
terre fuisset conuictus, licet tempori-
bus preteritis aliter fieri
consuevit.

Finis.

¶ Articulus statuti Gloc', corre-
ctus pro Ciuibus London',
de forensicis vocatis

ad warē in Hustin=

go London', 19.

¶ 2. 1.

¶ Voucher. 7.



¶ A ruien est ensement, q' si
hōe enpled en la city de
Londres, bouche forreïn a
garrate, le Maïor & les
baillifes aïornēt les pties
deuānt Justices de banke
au cert iour, & enuoiēt la
mour recozō. Et l's Justi-
ces faē sūm l' garē deuānt eux & pledēt l' garē
Et le Maïor & lez baillifes en demētiers sur
cessent a la parolle que est deuānt eux p brie-
fe, ielque a tant que la parolle de la garē soit
fmine deuānt Justices du bāke. Et quāt la
parolle serra termine en banke, serra dit al
garē, que il boise en la citie, & respoign del
chiefe plē. Et le demānd per sa suit eit des
Justices de banke au Maïor & eux baillifes
que ilz boisent auānt en le plē. Et si le de-
maund recouēt, beign le tenant aux Justi-
ce de banke, & eit brieve au Maïor & as bailifs
que si le tenant eit sa terre perdu, que ilz fa-
cent extendre la terre, & retournent l'extent
au banke au certeine iour, apres soit maund
au viscount du pais, ou le garē fuit somm,
que

que il face auoir de la terre du garrant a la
 baliance. Et si auaign que l' tenant face de-
 faut au iour que luy est don en banke, don-
 ques issira brieve de 3 Justices du banke as
 Maioz & baillifez de prendre le tenement de-
 maunde, en la maine le roy per le petit cap,
 & de sumer le tenant q il soit al Husting au
 certaine iour, dont les Justices serent amisez,
 a rend iudgement de cel default, si ne la pu-
 isse sauer, & si la puisse sauer, adonques les
 Justices soient de ceo certifies per leur re-
 cord, et les Justices per leur record pledent
 le gart.

Memorandum quod iste articulus in forma pre-
 dicta consignatus fuit sub magno sigillo domini E.
 filij regis E. anno regni sui nono, & missus Iustic' de
 banco in modum brevis patentis, cum quodam bre-
 ui clauso sub data regis apud westm secundo die
 Maij anno predicto, quod ipsi omnia & singula in
 articulo predicto contenta facerent & exequerentur

Non obstante quod articulus ille in om-
 nibus cum statuto Gloc' hca.

12. non concordat.

Finis.

¶ Articuli cleri editi,
An̄ ix. E. ii.



Edward⁹ dei gratia rex Anglię &c. omnibus ad quos presentes literę peruenerint salutem. Sciatis quod cum dudum temporibus progenitorum nostrorum quondam regū Anglię, in diuerfis parliamentis suis, & similiter postquam regni nostri gubernacula suscepimus, in parliamentis nostris, per prelatos, & clerum regni nostri, plures articuli continentes grauamina aliqua ecclesię Anglicanę, & ipsis prelati & clero illata, ut in eisdem asseriebatur, porrecti fuissent, & cum instantia supplicatum, ut inde apponeretur remedium opportunum: ac nuper in parlamento nostro apud Lincolne anno regni nostri nono, articulos subscriptos, & quasdam responsiones ad aliquos eorum prius factas, eorum consilio nostro recitat, ac quasdam responsiones corrigi, & ceteris articulis subscriptis per nos & dictum consilium nostrum fecerimus respondere: quorum quidam articulorum & responsionum tenores subsequunt in hunc modum.

¶ *Prohibition. 1. Cap. 1.*

¶ In primis laici impetrant prohibitiones in genere super decimis, obuentionibus, oblationibus, mortuarijs, redemptionibus penitentiary, violenta manu iniectio in clericum vel conuersum, & in causa diffamation: in quib⁹ casib⁹ agitur ad penam canonicam imponendam: Rex ad istum articulum respon-

respondit, quod in decimis, oblationibus, obventionibus, mortuarijs, quando sub istis nominibus pponuntur, prohibitione regie non est locus: etiam si, propter detentionem istorum diuturnā ad estimationem eorund pecuniarium veniat. Sed si clericus vel religiosus decimas suas in horreo suo congregatas, vel alibi existentes vendiderit alicui pro pecuniā si petatur pecunia coram iudice ecclesiastico, locū habet regia prohibitio, quia per venditionem res spirituales fiunt temporales, & transeunt decime in caralla.

Prohibition 1. cap. 2.

¶ Item si sit contentio de iure decimarum originem habens de iure patronatus, & earund decimarum quantitas, ascendat ad quartam partē bonorum ecclesie, locum habeat regis prohibitio, si hæc causa coram iudice ecclesiastico ventiletur. Item si prelat imponat penam pecuniariam alicui pro peccato & repetat illam, regia prohibitio locum habet. Veruntamen si prelati imponant penitentias corporales, & sic puniti velint huiusmodi penitentias per pecuniam redimere sponte, non habet locū regia prohibitio, si coram prelati pecunia ab eis exigatur.

Prohibition 1. Cap. 3.

¶ Insuper si aliquis violentas manus iniecerit in clericum pro violētia facta, debet emenda fieri corā rege, pro excommunicatione vero coram prelato, ubi imponatur penitentia corporalis, quem si reus velit sponte per pecuniam redimere, dand prelato vel leso, potest repeti coram prelato, nec in talibus regia prohibitio locum habet.

Pro-

Articuli cleri.

Prohibition 1. Cap. 4.

¶ In diffamationibus etiam corrigat prelati supradicti modo, regia prohibitionem non obstante, primo iniungendo penam corporalem, quod si reus velit redimere libere percipiat prelati pecuniam, licet regia prohibitio porrigatur.

Prohibition 1. Cap. 5.

¶ Item si aliquis in fundo suo molendinum erexit de nouo, & postea a rectore loci exigat decima de eodem, exhibetur regia prohibitio sub hac forma. Qd. de tali molendino hactenus decime non fuerunt solui, prohibemus &c. & sententiam excommunicationis, si quam hac occasione prouulgaueritis, reuocetis omnino. ¶ Responsio. in tali casu nunquam exiuit regia prohibitio de principis voluntate: qui & decernit talem perpetuo non exire.

Iurisdiction 1. Cap. 6.

¶ Item si aliqua causa vel negotium, cuius cognitio spectat ad forum ecclesiasticum, & coram ecclesiastico iudice fuerit sententialiter terminata, & transierit in rem iudicatam, nec per appellationem fuerit suspensum, & postmodum coram iudice seculari super eadem re inter easdem personas questio moueatur, & probetur per testes vel instrumenta, talis exceptio in foro seculari non admittatur. ¶ Responsio. Quod eadem causa diuersis rationibus coram iudicibus ecclesiasticis, & secularibus ventilatur, ut supra patet de iniectione violenter manuum in clericum, dicunt quod (non obstante ecclesiastico iudicio) cuius regis ipsum tractat negotium, ut sibi expedire videtur.

Excom-

Excommengement 2. Cap. 7.

¶ Item litera regia ordinarijs dirigitur, qui aliquos suos subditos excommunicationis vinculo innodarunt, quod eos absoluant infra certum diem: alioquin q̄ compareāt responsi. quare eos excommatnicauerunt. ¶ Responsio. Rex decernit, q̄ talis litera nunquam in posterum exire permittatur, nisi in casu in quo possit inueniri, ledi per excommunicationem, regiam libertatem.

¶ Residence 1. Cap. 8.

¶ Item barones de scaccario domini regis vendicantes sibi ex priuilegio, quod non debent extra illum locum conquerenti cuicunque respondere, extendunt illud priuilegium ad clericos commorantes ibidem, vocatos ad ordines, seu ad residentiam, & diocesanis inhibeant, ne aliquo modo, aliquaue ex causa, dum sint in scaccario & in seruitio domini Regis, trahant ad iudicium quouismodo. ¶ Responsio. Placet domino Regi, vt cleric' suis obsequijs intendentes, si delinquāt per ordinarios (vt ceteri) corrigantur, sed tempore quo occupantur circa scaccarium, ad residentiam in suis faciendam ecclesijs non teneantur. Hic additur de nouo, per concilium domini regis. Rex & antecessores sui a tempore cuius contrarij memoria non existit, vsi sunt, quod clerici suis immorantes obsequijs, dum obsequijs illis intenderint, ad residentiam in suis beneficijs faciendam minime compellantur: nec debet dici tendere in preiudicium ecclesiasticæ libertatis, quod pro rege & re-

Articuli cleri.

republica necessarium inuenitur.

Distresse 9. Cap. 9.

¶ Item ministri domini Regis, vt vic' & alij, ingrediunt feoda ecclesie ad faciendum distictionem, & aliqui capiunt animalia rectorum in via regia, quod non habent nisi terram pertinentem ad ecclesiam.

¶ Responso. Placet domino regi ꝛ ne ꝛ de cetero distictiones fiant huiusmodi nec in via regia, nec in feodis quibus olim ecclesie sunt dotatae. Vult tamen distictiones fieri in possessionibus de nono a personis ecclesiasticis acquisitis.

Abiuration 3. Cap. 10.

¶ Item quandoq; aliqui confugientes ad ecclesiam abiurant terram, secundum regni consuetudinem, & persequuntur laici eos, vel inimici eorum, & a publica strata abstrahuntur, & suspenduntur. vel statim decapitantur, & dum sint in ecclesia custodiuntur per armatos infra cimiterium ꝛ&ꝛ quandoq; infra ecclesiam ita arcte, qd non possint exire locum sacrum causa superflui ponderis deponendi, nec permittit eis necessaria ad victus ministrari. ¶ Responso. Qui terram abiurauerint, dum sint, in strata publica, sint in pace domini regis, nec debent ab aliquo molestari: & dum sint in ecclesia, custodi eorum non debent morari infra cimiterium, nisi necessitas, vel euasionis periculum hoc requirat, nec arctentur confugere, dum sint in ecclesia, quin possint habere vitæ necessaria: & exire libere ꝑ obsceno pondere deponendo.

Appelles 6.

¶ Placet etiam domino regi, vt latrones, vel
appel-

appellatores, quecunque voluerint, possint sacerdotibus sua facinora confiteri: sed caueant confessores, ne erroneè huiusmodi appellatores informant.

¶ *Monasteries 3. Cap. 11.*

¶ Item petit, quod Dominus Rex, & regni magnates non onerent domos religiosas, vel ecclesiasticas personas pro corodijs, pencionibus, vel perheridinationibus faciend' in domibus religiosis, & alijs locis ecclesiasticis, carectis & equis sibi mittend', cum per hoc prædictę domus depauperent, cultusque diuinus in hac parte diminuatur, & propter huiusmodi onera compelluntur sepissime prebiteri, & alij ministri ecclesiastici diuinis officijs deputari, a locis recedere supradict'.

¶ Responsio. Placet Domino Regi quod super contentis in petitione, de cetero indebite non onerentur. Et si per magnates, aut alios contra fiat, habeant inde remedium iuxta formam Statutorum tempore domini Edwardi Regis patris domini Regis nunc editorum. Et fiat consimile remedium de corodijs & pencionibus per coherisionem exactis, de quibus non fit mentio in statutis.

¶ *Excommengement 3. cap. 12.*

¶ Item si aliqui de tenura domini Regis vocantur coram Ordinarijs extra parochiam in qua degunt, si propter suam contumaciam manifestam excommunicentur, ac cum post xl. dies pro eorum captione scribatur, pretendunt se priuilegiatos, quod extra villam seu parochiam suam non debent vocari, & sic denegatur breue Regium pro captione eorundem.

O. j.

¶ Responsio.

Articuli Cleri.

¶ Responſio. Nunquam fuit negatum, nec negabitur infuturum.

¶ *Abilitie & Nonabilitie I. cap. 13.*

¶ Item petitur quod perſonę eccleſiaſticaę, quas dominus Rex ad beneficia preſentet eccleſiaſtica, ſi Episcopuſ eas non admittat, vt puta propter defectum ſcientiæ, vel aliam cauſam rationabilem non ſubeant examinationem laicarum perſonarum in caſibus antediſtis, prout hiſ temporibus attentatur de facto, contra canonicas ſanctiões: ſed adeant iudicem eccleſiaſticum, ad quem de iure pertinet, pro remedio, prout iuſtum fuerit, conſequendo.

¶ Responſio. De idoneitate perſonę preſentatę ad beneficium eccleſiaſticum, pertinet examinatio ad Iudicem eccleſiaſticum, & ita haſtenus uſitatum, & fiat in futurum.

¶ *Election 2. cap. 14.*

¶ Item ſi vacet aliqua dignitas, vbi electio eſt facienda, petitur quod electores liberè poſſint eligere, abſque incuſſione timoris à quacunque poteſtate ſeculari: & quod ceſſant preceſ & oppreſſioneſ in hac parte.

¶ Responſio. Fiant liberè, iuxta formam ſtatutorum & ordinationum. VVeſt. 1. cap. 5.

¶ *Clergie 3. cap. 15.*

¶ Item licet clericuſ coram ſeculari Iudice iudicari non debeat, nec aliquid contra ipſum fieri, per quod ad periculum mortis, vel ad mutilationem membrorum valeat peruenire, ſeculares
tamen

tamen Iudices clericos ad ecclesiam confugientes, & reatos suos forte confitentes, faciunt abiurare Regnum, & eorum abiurationes admittunt ex illa causa, quamquam eorum iudices super his non exillant: sicq; dat laicis indirectè potestas huiusmodi clericos cruciandi, si ipsos post huiusmodi abiurationem in Regno contigerit inueniri, super quo petunt Prelati & clerus tale remedium adhiberi, vt immunitas ecclesiae, & personarum ecclesiasticarum conseruetur illesa.

¶ Responsio. Clericus ad ecclesiam confugiens pro feloniam pro immunitate ecclesiastica obtinenda, si asserit se esse clericum, regnum non compellatur abiurare, sed legi regni se reddens, gaudebit ecclesiastica libertate, iuxta laudabilem consuetudinem Regni hactenus vsitatam.

¶ Clergie 4. Cap. 16.

¶ Item quanq; confessio, coram illo qui non est iudex, confitentis locum non teneat, nec sufficiat ad satisfaciendum processum, vel sententiam proferendam: quidam tamen seculares iudices, clericos qui de foro suo in hac parte non existunt, reatus proprios, & enormes, vt puta furta, roberias, homicidia coram eis confitentes, admittunt accusationem, illorum, quam ipsi communiter vocant appellum ipsos sic confitentes & accusantes, seu appellum facientes non liberant Prelatis eorum post premissa, quanq; super his fuerint sufficienter requisiti, licet coram eis etiam per confessionem propriam iudicari vel condemnari nequeant, absq; violatione ecclesiasticae libertatis. ¶ Responsio. Appellator in forma debita tanquam clerico per ordinarium petito, libertatis ecclesiasticae beneficium non negabitur.

O. ij.

Nos

de Statuto Eborac'.

Nos desiderantes statui ecclesiæ Anglicanæ, & tranquillitati, & quieti Prelatorum & cleri prædictorum (quatenus de iure poterimus) providere ad honorem Dei, & emendationem status dictæ ecclesiæ & Prelatorum & cleri prædictorum, omnes & singulas responsiones prædictas, ac omnia & singula in eisdem responsionibus contenta, ratificantes & approbantes, ea pro nobis & hered' nostris concedimus, & precipimus in perpetuum inuiolabiliter observari, volentes & concedentes pro nobis & heredibus nostris, quod prædicti Prelati & clerus, & eorum successores in perpetuum in præmissis iurisdictionem ecclesiasticam exerceant, iuxta tenorem responsionum prædictarum, absque occasione s; ecclesiæ s; inquietatione, vel impedimento nostri, vel nostrorum heredum, seu ministrorum

quorumcunque. In

cuius &c. Teste

&c.

¶ Expliciunt Articuli Cleri.

¶ Statutum Eborac' ædi' Anno

12. Edwardi 2.

PUr ceo que plusors gentes du roialme Dengleterre, & de la terre D Ireland, ount auant ceux heures souent foits, suftertes mischiese, damage, & dishertisons, per encheson de ceo que en ascun case

case ou default fuit en ley, remedy ne fuit ordeigne : & auxint pur ceo q̄ ascuns points des estatutes auantfaits auoyent mester de clarifement. Nostre seignior le Roy Edward firs au Roy E. desirant plenier droit estre fait a son people, a son parlement a Euerwike, a trois semaines de saint Michell, lan de son reigne xij. per assent des Prelates, Countees, Barons, & le communalty de son Royalme, il lonques assemblees, fist les establishments et les estatutes, q̄ par sensuot, les queux il voit que en le dyt Roialme, & en la dyt terre soyent firment tenus.

¶ Assise 8. Cap. 1.

¶ Enprimas pur diuers mischiefes queux ont este, de ceo que les tenants en assises de nouel disseis. ne puissent auant ceux heurez faire attourneis. Accord est, q̄ les tenants en assises de nouel diss. puissent faire attourneis. Et ne entend my le Roy per tant que les tenants & les defend en assise de no. diss. ne puissent pleder per bailifes q̄ ils voillent, come auant soient.

¶ VVitnes 1. cap. 2.

¶ Et ensement accord est, q̄ quant chart, quite claim, acquitace, ou auter escript soit dedist en la Court le Roy, en q̄ux sont tesmoign nolsmes, soit proces fait de faire deff les tesmoign, come auant ad este vse, issint q̄ si nul veigne a le graund distres sur eux retorne, ou retorne soit que ils nont riens, ou ne sont troues: que adonques ne soit lesse le

D.ij.

prise

De Statuto Eborac.

prise del enquest p absence de ceux tesmoigns
Et si les tesmoignes veignent per le grand
distresse, & lenquest per aucun encheason, re-
maine appprendre, soit m le iour don a ceux
tesmoignes queux issint viendront, q est don
a lenquest prend, a ql iour si les tesmoignes
ne viendront, soient leur issues pimes sur
eux retournes forfaits, & la prise del enquest
ne remain a prender par leur absence. Et
par le absence des tesmoignes, qux snt deins
franchisez, ou brief le Roy original ne court,
ne soit le prise del enquest leste.

Nisi prius 3. cap. 3.

Et come il soit conteign en lestatute fait
a Westminster le seconde iour de April, lan
du reign le roy, pier nostre seignior le Roy
que ore est xxvij. † de Finibus leuatis cap. 4. †
que les enquestes & les reconusances deuant
Justices de lun banke & de lautre aiudges
fussent prises deuant aucun des Justices
des places, associe a luy vn chivaler del coi-
tie ou les enquestes serront appprendes, si
les enquests ne fussent de graunde exami-
nement, & q en tiels enquestes soit fait come
les Justices veront q soit affaire au pite
du Roialme, le ql estatute ad mestre destre
mieux declare. Accord est, que les enquestes
& iuries, queux serrount ou soient appren-
des en plee de terre, queux ne sont mye de
graunde examinement, soient prises en pais
deuant vn Justice del place ou le plee est, as-
socie a luy vn proude home del pais, chivaler,
ou auter, issint q certeine iour soit done en
banke

banke, & certain iour & lieu en pais en p'se
des parties, si le demaünd le prie. Et auxy les
enquestes & iures en p'lee de terre, que de-
maunde graunde examinement, soient pry-
ses en pais, en la forme suisdit, deuant deux
Justices de banke.

¶ Nisi prius 3. cap. 4.

¶ Et eit le Justice, ou les Justices poyar
de recorder nonsuites & defautes en pais, as
iours & lieux queux seront assignes, sicome
desuis est dit. Et ceo que ilz aueront fait en
les choses suisdits, soit report en banke au
iour doñ, & illonques enrolle, & sur t iudge-
ment rendus. Et nentend my le roy, que les
dits enquestes & iures ne puissent estē p'ses
en bank silz beignōt, ne que cest estatute soy
extende as graunde assises. Et auxy vn Jus-
tice de lun place ou de l'auter, associe a luy vn
prode home du pais, chivaler ou auter, a la
request del pl' preigna les enquestes des
plees pledes & a pleder, queux sount moues
per attachment & distres, & eit poyar de re-
corder nonsuits, come desuis est dit, & pren-
der les enquestes per defautes illongz faits.
Et quant a les t assises de darrein present-
ment, & les enquests sur brieve de Quare im-
pedit, prendres soit fait come est conteign en
le ij. estatute de Westminster cap. 30. Et eiēt
les Justices poiar a recorder nonsuites &
defautes en pais, & sur ceo iudgement doner
com en bank, & soit report en banke ceo que
ils ont faits, & illonques soient enrolle. Et
si auaign que le Justice, ou les Justices,
D.iiij. queux

quenz sont ou ferront assignes dappzender
tiels inquestes en pays ne veignount, ou si
veign en pais au iour assigne iademaines,
les parties & les gentes des inquestes gar-
dent leur iour en banque.

¶ Retournes &c. 3. cap. 5.

Et par ceo q̄ souēt pleints ont este faits
en la Court le Roy, que les retoznes queux
Bailifes des fraunchise queux ount pleyne
retourne del brieve le Roy, ount liucres as
viconts, apzès ont este chaunges, & en auter
maner retoznes en la Court del Roy, a dam-
des ascuns del partiez, & en delapace de dro-
iture. Accord est, que des retoznes, q̄ux de-
soze se ferront as vicounts per bailifes de
tiels franchises, soit fait indenture perenter
le bailife del fraunchise nosme per son pro-
per nosme, & le vicont nosm p son pp nosm.
Et si le viē change le ref issint liuer a luy p
indenture, & de ceo soit attain al suit del
seignior du franchise, dount il ad tiel retoz-
resceue, si le seignior auet damages encurreu
ou la franchise soit emblemy, & a le suit del
partie que auera damages encurreue per cel
encheafon: soit punie deuers le Roy come de
faux retozne, & rend al seignior & a le partie
damages au double. Purint est accord, que
desoze, les viē, ou auters bail queux rescey-
uont bres le roy retozn en la court, mittent
leur proper noimes oue les retoznes, issint
que la Court puit scauer a que ils prendrōt
tiels retournes si mestier soit. Et si ascun
vicount, ou auter bailife en ses retournes
enter-

enterleſſa ſon noſm, ſoit il greuousment a-
mercie al oeps del Roy.

¶ Vitailles 1. cap. 6.

Enſement pur cōmon profit du people
accord est, que nul minifter en citie, ne bo-
rough, que per reason de ſon office doit gard
aſſiſes dez viuerz, & des vitailles, entāt come
il ſerra attendant a cel office, ne merchand
vines ne vitailles in groſſe ne a retaile. Et ſi
aſcun le face, & de ceo ſoit attain, le mer-
chandise dont il ſerra attain ſoit forfait au
Roy, & la tierce parte ſoit liuer, come del
doñ le roy a celuy a q ſuit le treſpaſſoz ſerra
iſſit attain. Et ē tiel cas ſoit reſceue celuy
que boudra ſuer pur tiel choſe atteind. Et
Chauncell, treaſozer, barons del eſchequer,
Juſtiſ de lun bank & de lautre, & Juſtices
aſſign as Aſſiſes pzenner, reſceyuent tiels
pleints per bꝛiefes & ſans bꝛiefes, & les ter-
minent, & per facent tous les choſes con-
teign en ceſt article en le forme auantdit.
Et iademains puis le Roy aſſign les Juſ-
tices a cel choſe parfaire en cities,
& boꝛoughes, quant, & la ou
luy plerra.

¶ Explicit Statutum Ebor'.

¶ Statutum

¶ Statutum de Eſſoñ calumñ,
ædiť Anno 12.E.2.

¶ Eſſoñ 12. cap.1.

Hic demonstratur quot modis eſſoñ sunt calumniand', & in quibus casibus eſſoñ non iacet, videlicet, non iacet eſſoñ, quia terra capta est in manum domini Regis. Non iacet eſſoñ, quia districtus est per terras. Non iacet eſſoñ, quia concessum est hinc iudicium, si iurata veniant. Non iacet eſſoñ, quia visus fuit in curia. Non iacet de vltra mare, quia alias se eſſoniauit de malo veniendi. Non iacet quia alias se eſſoniauit tali die. Non iacet quia preceptum fuit Vicecomiti, quod faceret eum venire. Non iacet de seruicio domini Regis, quia fæmina, nisi quia nutrix, obstetrix, aut mittatur per breue ad ventrem inspiciendam. Non iacet in breui de Dote, quia videtur deceptio, & prorogatio iuris. Non iacet quia talis querens non inuenit plegios de prosequendo. Non iacet, quia attornat' fuit eſſoniatus. Non iacet, quia habet attorn' in loquela. Non iacet, quia eſſoniator testator, quod non est in seruicio domini Regis. Non iacet, quia sum' testificat' non est, vel pars non attachiat', eo quod vicecomes mandauit quod non est inuentus. Non iacet, quia alias se eſſoniauit de seruicio domini Regis, scilicet tali die & et & modo non misit warrantiam. Non iacet, quia resum' fuit in vltima presentatione, vel morte antecessoris. Non iacet, quia talis non nominatur in breui,

breui. Non iacet, quia preceptum fuit Vicecomi
quod distringat eum venire per terras & cattalla.
Non iacet, quia mandatum fuit tali Episcopo,
quod faceret eum venire. Non iacet, quia termi-
nus preterijt. Et sciendum est, quod esson de
seruitio domini Regis allocantur post mag-
num Cap, post paruum Cap, &
post distinctiones factas per
terras & cattalla.

¶ Prærogatiua Regis, ædi Anno
17. Edwardi 2.

¶ VVardes. 13. cap. 1.

Dominus Rex habebit custodiam, om-
nium terrarum eorum qui de ipso tenent
in capite per seruicium militare, de qui-
bus ipsi tenentes fuerunt seisi in domi-
nico suo vt de feodo, die quo obierunt, &
quocunque tenuerint per huiusmodi seruicium,
dum tamen ipsi tenuerint de Rege aliqd' ten ab
antiquo de corona, vsque ad legitimam etatem
heredis. exceptis feodis Archiepiscopi Cantuarien,
Episcopi Dunolm inter **E**ine & **E**ise, feodis
Comitat & Baronum de Marchia de terris in
Marchia vbi breuia domini Regis non currunt,
& vnde

Prærogatiua Regis.

& vnde predicti Archiepiscopus, Episcopus, Com.
& Baroni, habeant huiusmodi custodiam : licet a-
libi tenuerunt de Rege.

¶ *Uwardes* 14. cap. 2.

¶ Item Rex habebit maritagium hered' infra æta-
tem, & in custodia sua existent', siue terræ hered'
eorundem sint ab antiquo de Corona, siue de es-
chaetis que sunt in manu domini Regis, siue ha-
buerint maritagium ratione custodię terrarum do-
minorum eorundem heredum, nullo habito res-
pectu ad prioritatem feoffamenti, licet de alijs te-
nuerint.

¶ *Primer seisin* 1. cap. 3.

¶ Item Rex habebit primam seisinam post mor-
tem eorum, qui de eo tenent in capite, de omni-
bus terris & tenementis de quibus ipsi fuerunt
seisiti in dominico suo vt de feodo, cuiuscunque
ætatis heredes ipsorum fuerint, capiendo omnes
exitus eorundem terrarum & tenementorum,
donec facta fuerit inquisicio, prout moris est, &
ceperit homagium huiusmodi heredum.

¶ *Uomen* 1. cap. 4.

¶ Item assignabit viduis post mortem virorum
suorum, qui de eo tenuerint in capite, dotem
suam que eis contingit &c. licet heredes fuerint
plene ætatis, si vidue ille voluerint. Et viduæ ille
ante assignationem dotis suæ prædictæ, siue he-
red' plene ætatis fuerint siue infra ætatem, iurabunt
quod se non maritabunt sine licentia Regis. Et
si se maritauerint sine licentia Regis, tunc Rex
capiet in manum suam nomine districtiois, omnes
terras

terras & tenementa, que de eo tenent in dotem, donec satisfecerint ad voluntatem domini Regis, ita quod ipsa mulier nihil capiet de exitibus &c. quia & al' quousque & per huiusmodi districtiones huiusmodi mulieres, seu viri earum finem faciant Regi ad voluntatem suam. Et illa voluntas tempore Regis Henrici patris Regis E. estimari consuevit ad valentiam prædictæ dotis per vnum annum ad minus, nisi vberiore gratiam habuerint. Mulieres que de Rege tenent in capite aliquam hereditatem, iurabunt similiter (cuiuscunque fuerint ætatis) quod se non maritabunt sine licentia Regis. Et si fecerint, terræ & tenementa ipsarum eodem modo capiantur in manum domini Regis, quousque satisfecerint, ad voluntatem domini Regis. § Magna Charta capitulo 7.

¶ Particion 1. cap. 5.

¶ Et si vna hereditas, que de Rege tenetur in capite, descendat pluribus participibus, tunc omnes illi heredes faciant homagium Regi, & illa hereditas que de Rege tenetur, participabitur inter heredes illos, ita quilibet eorum extunc partem suam tenebit de Rege.

¶ Vvardes 15. cap. 6.

¶ Si mulier ante mortē antecessoris sui qui de Rege tenet in capite, ante annos nobiles maritata fuerit, tunc Rex habebit custodiam corporis illius mulieris vsque ad ætatem, quod consentire possit: & tunc eligat ipsa vtrum maluerit habere virum illum, cui premaritata fuerit, vel alium, quem Rex ei obtulerit.

¶ Aliena-

Prærogatiua Regis.

¶ *Alienation without licence. 1. & 2. Cap. 7.*

¶ Nullus qui de Rege tenet in capite per seruitium militare, potest alienare maiorem partem terrarum suarum, ita quod residuum non sufficiat ad faciendum seruitium suum, sine licentia Regis. Sed hoc non consuevit intelligi de membris & particulis earundem terrarum.

¶ De seriantijs alienatis sine licentia Regis, consuevit rex arentare huiusmodi serantias per rationabilem extentam inde faciendam.

¶ *Auovson 2. cap. 8.*

¶ De ecclesijs vacantibus, quarum aduocationes spectant ad Regem, & alij presentauerint ad easdem, ita quod contentio inter dominum Regem & alios oriatur: si Rex per considerationem Curie presentationem suam recuperauerit licet post lapsum sex mensium à tempore vacationis, nullum occurrit ei tempus, dum tamen Rex presentauerit infra tempus sex mensium.

¶ *Fooles 1. cap. 9.*

¶ Rex habebit custodiam terrarum fatuorum naturalium, capiendo exitus eorundem, sine vasto & destructione, & inueniet eis necessaria sua de cuiuscunque feodo terræ illæ fuerint. Et post mortem eorum reddat eam rectis herædibus, ita quod nullatenus per eosdem fatuos alienentur, nec quod eorum heræd' exheredentur.

¶ *Fooles 2. cap. 10.*

¶ Item Rex providebit, quando aliquis qui prius habue-

habuerit memoriam & intellectū, non fuerit compos mentis suæ, sicut quidam sunt per lucida interualla, quod terræ & tenementa eiusdem saluo custodiantur, sine vasto & destructione, & quod ipsi & familia sua de exitibus eorundem, uiuant & sustineant competentur, & residuum ultra sustentationem eorundem rationabiliter custodiatur ad opus ipsorum, liberand' eisdem quando memoriam recuperauerint, ita quod prædictæ terræ & tenementa infra prædictum tempus nullatenus alienentur: Nec Rex aliquid de exit' percipiat ad opus suum. Et si obierit in tali statu, tunc illud residuum distribuatur pro anima eiusdem, per consilium ordinarij.

¶ *Ureke 2. cap. 11.*

¶ Item Rex habebit wrecom maris per totum Regnum, Balenas, & Sturgeones captos in mare, vel alibi infra Regnum, exceptis quibusdam priuilegiatis locis per Reges.

¶ *Escheate 1. cap. 12.*

¶ Item habebit eschaetas de terris Normanorum, cuiuscunque feodi fuerint, saluo seruiicio, quod pertinet ad capitales dominos feodi illius. Et hoc similiter intelligendum est, si aliqua hereditas descendat alicui nato in partibus transmarinis, & cuius antecessores fuerunt ad fidem Regis Franciæ, vt tempore Regis Iohannis, & non ad fidem Regis Angliæ: Sicut contingit de Baronia Monumentæ, post mortem Iohannis de Monumenta, cuius heredes fuerint de Britannia & alibi. De feodis aliorum
recupe-

Prærogatiua Regis.

recuperavit Rex Henricus, plures eschaetas de terris Normannorum occasione prædicta, & eas contulit tenend' de capitalibus Dominis feodi per seruicia inde debita & consueta.

¶ *Intrusion 1. cap. 13.*

¶ Quando aliquis, qui de Rege tenet in capite in fata decedat, & heres eius ingrediatur tē, quod antecessor suus tenuit de Rege die quo obiit antequam fecerit homagium Regi, & seisinam suam ceperit per Regem: tunc nullum accrescit ei liberum tenement. Et si obierit seifitus p idē tempus, vxor eius non habebit dotem de tenemento illo: Sicut contingit de Matilda filia Comitis Hereford' vxoris Maunself Marescalli, qui post mortem VVilhelmi Marescalli Angliæ fratris sui, cepit seisinam castri & manerij de Scrogoill, & obiit in eodem Castro, antequam intrasset per Regem, & fecisset ei homagium, & vnde concordatum fuit, quod vxor non haberet dotem, eo quod vir suus non intrauit per Regem, vero per intrusionem. Sed hoc non intelligatur de h Eschaetis, h alias Socagio & paruis tenuris.

¶ *Forfaiture 4. cap. 14.*

¶ Item Rex habebit eschaetas de terris libere tenencium Archiepiscoporum, & Episcoporum, quando ipsi tenentes damnati sunt pro felonia facta tempore vacationis, dum temporalia eorundem fuerint in manu domini Regis, conferend' cui voluerit imperpetuum: Saluo seruicio quod ad dictos Prelatos inde pertinet & fieri consuevit.

¶ Pa

Prerogatiua regis.

113

¶ Patentes 1. Cap. 15.

¶ Quando dominus rex dat vel concedit alicui manerium vel terram cum pertinentiis, nisi faciat in charta sua vel scripto expressam mentionem de feodis militum, aduocationibus ecclesiarum, & dotibus cum acciderint, ad predictum manerium vel terram pertinent tunc his diebus rex reseruat sibi eadem feoda, & aduocatur, cum dotibus, licet inter alias personas non fuerint obseruata.

Forfaiture 5. Cap. 16.

¶ Item rex habebit omnia catalla felonum dannatorum, & fugitiuorum vbicunque fuerint inuenti. Et si ipsi habent liberum tenementum, tunc illud statim capiet in manum domini Regis: & Rex habebit omnes exitus eiusdem per unum annum & unum diem, & tenementum illud vastabitur & destruetur de domibus, boscis & gardinis, & alijs quibuscunque ad predictum tenementum spectant, exceptis hominibus quorundam locorum priuilegiatorum inde per Regem. Et postquam dominus rex habuerit annum, diem, & vastum, tunc reddatur tenementum illud capitali domino feodi illius, nisi prius faciat finem pro anno, die & vasto. De consuetudine dicitur, quod post annum & diem, terræ & tenementa felonum in Gloc' reddentur & reuertentur proximo heredi, cui debuerant descendere, si feloniam facta non fuisset. Et in Kanc' in Gauellkinde: *The father to the bough, the sonne to the plough.* Ibid omnes heredes masculi participabunt

P.j.

here-

¶ Pa-

Magna Afsifa.

hereditatem eorum; & similiter feminae, sed feminae non participabunt cum masculis. Et mulier habebit post mortem viri medietatem pro dote sua. Et si mulier fornicetur in viduitate, Perdet dotem suam, vel si sit dispensata viro.

¶ Explicit Prerogatiua Regis.

¶ Incipit Statutum de Magna Afsifa iniungendo siue duello.



¶ Dus deues sauoir ou graū assise se ioint & bataille nyēt, ou bataille se ioiēt & graū assise niēt, & ou lune ne lauter ne se ioiēt. Graū assise se iointe & battails niēt, lon vne home vend terre a vne auter p charter & cell' purthaser vend cell' terē ouster & nad niēt pluis de terre et il rēde la charter dont il est enfeoffe, vient le heire le p̄mier seoffour & luy empled il ne purē my la seisin descendere per le corps son frankie hom, mes il se purra mettre en dieu et en la graunde assise. Bataille se ioint et graunde assise niēt la ou le bouchee est enfeoffe et bouche son seoffours

Magna Assisa. 114

feoffour a garē p chart q̄il aū de luy, il pur-
ra dedire la charter p le corps son franke
home; & la ne gist pas graunde assise mes
battaile. Muxint graunde assise ne se iointe
Pas enter parentes auāt q̄ ils soient pas-
sēs le tierē degrec la ou ils claiment per vn
mesme la discent. Mes battaile se iotent
entre freres la ou lūne est seoffe per charter
& l'auter claime per discent. Et ou lūne ne
l'auter ne se ioint nient la ou le demaundant
claiū a tener en franke mariage, ou ē franke
Wurgage, ou en frāke socage, ou en gavel-
kinde com en Kent, ou en auter maner come
s'il le demaundant demaunde lorsque petit
chose com vne acre de terē ou demy toft ou
croft, donques p assent des parties, ou per
agarde des Justices, si poient ils consenteē
en vn iurē de bones frankes homes & loy-
alx pur esparer le trauaile & le serement de
bons chiuallers, & ils feront le sermēt

sans delay dont ils dirroūt boier

a lour asscient. ¶ Moies le

vieux nature des bēes

fol. 1. †

¶ 114.

Anno j. Henrici quinti.

¶ Addition 1, Cap. 5.

Item ordeine est & establies q̄ en chescune brieve original des acciones personels appeles, et endictments & en queux exigēs serra agard que auxi nosm des defendaunts en tiels brieses originals apelles et endictments soient faits addicion de lour estate ou degree, ou de mestery & les villes ou hameleton, lieux, & les counties de queux ils fuerent ou sont, ou en queux ils sont ou fuerent conuersants. Et si per proces sur les ditz bres originals appellez ou endict & q̄ux lez ditz addicions soiēt enterlelles ascuns btlagaries soient pronuncies q̄ ils soient voides irrites & tenus pur nul. Et q̄ auant les btlagaries pronuncies les ditz brieses & endictments soient abatus per exception du partie per la ou en icell les ditz addicions soient enterlelles. Durueu tout foitz que mesq̄ les ditz brieses daccions personels ne soient accordantes as recordes et faits per le superplusage de addicions suifdits, que par cel cause ilz ne soient abatus. Et que les clerkes del Chauncellary south q̄ nosms tiels bres issent escriptz ne entlellent ne facēt omission des ditz addicions cōe desuis est dit sur pein destē punis & fait fine al roy per dis crec de l'chaunceller. Et cōmencera cē ordināce a tenir lieu al suit de party de la feast de saint Michael, prochain ensuant.

Anno

¶ Forcible entre. 3. Cap. 9.

Item come per le noble Roy Ric-
 charde nadgairs roy Dengleterre
 puis le conquest second a son par-
 liament tenuz a Westminster len-
 demaine dez almes lan de son Raigne 15.
 42. entre auters choses ordeines soit & e-
 stables que les estatutes & ordinañces faitz
 & niēt repelles de ceuz que fount entrees oue
 fozte maine & armes en ascunes terres tene-
 ments ou auters possessions quicunques et
 lour teignent eins oue force et armes et de
 ceuz que fount insurrection, riotes, routes,
 chiuauches, & assembles en disturbance de la
 peace nostre seignior le Roy ou de la com-
 men ley en affray de son people serroient te-
 nus & pleinement & duement executz. Et
 ouster seo ordeigne est per mesme lestatute q
 toutz les foitz que tielz forcibles etrees soi-
 ent faitz & pleint ent beigne as Justices du
 peace ou aucune deux que mesmes les Justi-
 ces ou Justice preignent ou preigne payar
 del countie, & voisent ou boise al lieu ou tiel
 force soit fait. Et silz trouent ou troue as-
 cuns teignantes tiel lieu forciblement apres
 tiel entree fait, soient pries & mises en pro-
 cheine gaole a y demurrer conuide de record
 de mesmes des Justices ou Justice tanque
 ils eient fait fine & raunsom au Roy. Et que
 toutz gents de county & bien viscountz come
 10. 11. auters,

Forcible Entre.

autres soient entendantz as ditz Justices et de euz enforcer pur arrester tielz malefaisorz sur peine denpisonment et de faire fine & ransom au Roy. Et que en mesme le maner soit fait de ceux que fount forcibles entrees en benefices ou offices de saint esglise, cōe en mesme lastatute est cōteine plus au plein: & per taunt que le dit estatute n'extend npe, ss entrees en tenementes en peassible maner & apres teñ oue force: ne si les psons qui entrent oue force, en ascunes terres ou tenements, soient de tout remoues & voides deuant le venue des dites Justices ou Justiz come deuant, ne nul piene ordeine, si le viscounts ne obeie npe les commaundementes & preceptes des dites Justices pur executer lordinaunce suisdit: plusours extorcionenses & forcibles entrees sont faitz de iour en autre, en terres & tenements, per ceux que droit nont, & auxi diuers dones feoffements & discontinuances ascune foitz faitz as seignours & autres persones puissants & extorcioners deins les ditz counties, ou ils sont conuersantes, pur maintenaunce auoir, & ascune foitz as tielx persons ensy oustes, disconus a tiel entent, pur delaier & defrauder tielx droiturs possesseurs de leur droit & recoueres a toutes iours, a final disherison de plusours des mesmes foialz lieges nre Seignour le roy, et semblable est decrester de iour en aut, si due remedy ne soit purueu en cel party. Nostre seignour le roy considerant les pmisses ad ordeine que le dit estatute

tute et toutes aus estatutes de tielz entriez
ou alienacions devant faitz, soient tenus et
duement executes: adioustant a icelles, que
desoiz en auât si aucune face tiel forcible entree
en terres tenementes ou autres possessions,
ou eux teigne forciblement apres compleint
ent fait deins mesme le countie ou tiel entree
soit fait as Justices du peage ou a une deux
per la partie greue, que les Justices ou
Justice ensy garnye, deins temps couenable
facent ou face duement executer le dit esta-
tutes, et ceo as costages de la partye ensy
greue. Et ouster ceo, comment que tiels
personnes faisantes tielz entrees, soient pres-
entes ou voides, deuant le venue des
dits Justices ou Justice, maintenant mes-
mes les Justices ou Justice, en aucune bon-
ville, plus procheinne as tenementes ensy en-
tries, ou en aucune lieu couenable, solonque
leur discrecion, eient et chescune deux eyt
authorite et poiar denquerer per les gentes
de mesme le Countie, auxy bien de ceux que
font tielz forcibles entrees en fres et tene-
mentes, come de ceux que ent teignent oue
force. Et si trouue soit deuant aucune de eux
que aucune face le contrarie de cest estatute,
adonqz les ditz Justices ou Justice, facent ou
face releiser les fres ou tefits ensy entrees, ou
tenus come deuant, et mettre la pty ensy ouste
en plein poss. de miz les terres ou tenements
come deuant entrees ou tenus. Et si
aucune persone apres tiel entree en ter-
res ou tenementes tenus oue force, face
seoffement.

Forcible Entre.

feoffement, ou auter discontinuāce, al ascun seigniour ou auter parson pur maintenance auoir, ou pur toller et defrauder le possessor de son recouery en ascune maner, si apres en assise ou auter accion ent estre prise ou pursuer deuant Justices des assises ou autz Justices du Roy quicunque per due enquerer ent appprendre, porra duemēt estre proue mesmes les feoffements et discontinuances estre faits pur maintenance, come desuis est dit, que adonques tielz feoffements ou autz discontinuances enū come deuant faitz, soiēt hoïdes irrites et tenus pur nul. Et aury quant les dits Justices ou Justice, feront tielz enqueres come denaunt, facent ou face lour garrauntz et preceptes directes as viscount de mesme le Countie, luy commaundant de per le roy de faire venir deuant eul et chescune deux, parsones sufficientz et en differētes, plus prochein demurrants en les tenementz enly entries, come deuant, dequerer de tielz entries dōt chescune que serō empanel dequerer en celle party, eit terre ou tenit dānuel value de xl. s. p ā au meinz, oust les reprises. Et que le viscount retourne issue sur chescune deux a iour de primer precepte retoznable xx. s. et al second iour xl. s. et al tierce soit C. s. et a chescune iour apz le double. Et si ascune viscount ou bailife deins franchise eiant retourne de bñ du Roy, soit lathē & ne face duement exē des dits preceptes a luy directes pur tielz enqueres faire, que il forsaite deus le Roy xx. li. pur chescune de-
faute,

fante, & oñt face fine & ransom au Roy. Et
que auxibien les Justices ou Justice avant
dits. cōe les Justices des assises a lour venir
en pais, pur assises prendre, eiēt et chescune
deux eit, poiar doier & fminer tiels defautes
& negligences des dits biconantz & bailifes,
& chescune deux, auxibien p bille al suite del
party greue, pur luy mesme, come pur le roy
a suer, come per enditement appprendre pur le
Roy solement. Et si le biconant ou bailife
soit duement attainct en cel ptie p enditemēt
du p bille, que celui que sue pur luy & pur le
Roy, eit vn moity del forfature de xx. li. en-
semblement oue les costages & expenses: Et
que mesme le proces soit fait vers tielz editz
ou sues per bille en cell' partie, si come serroit
vers endicts ou sues p bře de trñz oue force
& armes encouter la peas de nostre seigni-
our le Roy. Et oustre ceo si ascune persone
soit ouste ou disseise de ascuns terres ou te-
nements oue forcible maner, ou ouste peas-
blement et ap̄s tenus de hozs oue forte main
et armes, encouter la Justice du peace, ou
ap̄s tiel entre ascune feoffement ou discon-
tinuance en ascune maner ent soit fait pur
defrauder et toller le droit del possessor,
que la partie greue en celle partye eyet as-
sise de nouel disseisine en brieve de Trespas
vers tiel disseisour. Et si la party greue
recouere per assise ou per accion de Trespas
et troue soit per verdite ou en auter maner
per due fourme de ley que la parrye defen-
daunt entre oue force en terres et tenements
ou

Forcible entre.

Où ent per force apres sō entry tiendrs, que
le pl reconera ses dam au treble, vers le de=
fendaunt. Et ouster ceo que il face fine et
ransome au Roy. Et que Maiors Jus=
tices ou Justice de peace, viscountes et bai=
lives des Cites et Boroughes, eiañs fran=
chise, eiañt en les ditez Citez, billes, et bo=
roughes autiel poiar de tiels entries ouster,
et en auters articles desuisdites emergentes
deins icelles, come ont les Justices du peace
et viscountes en counties et pais suisoytes.
Parveu tontes foites, que ceux que gar=
dent per force leur possessions en ascunes
terres ou tenementes dont ils ou leur aun=
cesters, ou ceux queux estate ils ont en ti=
els terres ou tenementes ont continu=
es leur possessions en icelles, per
trois ans ou plus, ne soy=
ent mye endam per
force de cell
estatute.

¶ Finis.

¶ Shriues.25.

Cap.10.



¶ Tem le roy considerant
 les graundes perturbe,
 extorcion et oppression,
 queux sont et ont este en
 cest Roialme per ses vis-
 counts south viscounts et
 leur clerkes, coroners, se-
 neschales des fraunchises
 baillifes et gardes des prisons & auters of-
 ficers en diuerses counties de cest roialme
 ad ordeine per laucthorite suisdit en esche-
 quing de tous tielx extorciōs periurie & oppres-
 sion que null' viscount lesse a ferme en aucune
 man' son county, ne aucune de ses bailiwikes
 hundredes ne wapentakes, ne q' les ditz vis-
 counts south vis' baillifs des frāchises, ne alē
 aut baillifes retourne sur alē bñe ou pcepte
 a eux direct de retourn' ascū enq̄stes, en alē
 panell' sur ceo destre fait, ascunz baillifez offi-
 cers ou seruantz a alē de les officers suisditz
 en aucune panel p' eux issint affaire, ne q' null'
 des officers & ministers per occaciō ou soubz
 colour de leur office, pzeigne aucune auter
 chose, per eux ne per aucune auter persone
 a leur bñe profite ou auail', d'aucune persone
 per eux ou aucune deuz destre arrestus, ou
 attaches, ne de nul auter per eux pur la
 lesser d'aucune arrest ou attachment des-
 tre faites per leur corps, ou d'aucune per-
 sone per eux ou aucune deuz per force ou
 colour

Shriues.

cels de leur office arrestus ou attaches pur
 fine fa, leswet del prison mainprise, lessaunce
 a baile, ou monstrance ascune ease ou fauour
 a ascune tiel person, issint arrestus ou arestes
 pur leur regarde, ou profite, sinon tiel come
 ensuit, cestascavoir pur le viscount xx. s. le
 bailife que face larrest ou attachement iij. s.
 & le gaoler & le prisoner soit commis a la
 garde iij. s. Et que le viscount, south vis-
 count, clerke de viscount, senehall ou bailife
 de fraunchise, seruant ou bailife, ne coroner,
 preigne per colour de son office per luy ne
 per ascune auter persone a son ble, dascune
 persone pur le faisour dascune retourne ou
 panell ascune chose, et pur le copie dune pa-
 nel iij. s. Et que les dites viscountes et
 toutes auters officers & ministers auant-
 ditz, lesseront hors de prison, tous maners
 des persones per eux ou ascune deux arest-
 ers, ou esteants en leur garde per force dascune
 brieve bille ou garrant en ascune acci-
 on personellz ou per cause dendiement de
 trespass sur reasonable suerty de sufficientes
 persones, eians sufficiente deins les coun-
 ties ou tiels persones sont issint lesses a
 baile ou mainprise de garder leur iours, en
 tielz lieux, cōe les dites brieves billes ou gar-
 rauntz requirrent: tiel persone ou personnes q
 sont ou seront en leur garde per condēna-
 tion, execution, capias vtlagatum, que excō-
 municatum, suertie de la peace, et toutes ti-
 elz persones que sont ou seront commis a
 gard et p especial commandement dascune
 Justice

Justice, & bagarantes, refusâts de seruire,
 selonq la fourme de lestatute de Labourers
 tantsolemēt except. Et que nul viscount, ne
 nul de ses officers ou ministres suisdit, sign
 ou face de priede ou faire, aucune obligaciō
 pur aucune cause suisditz, ou colour de leur
 office, si nō tāt solement a leur mesmes, dā-
 cune person ne per aucune persone, que soit
 en leur garb, per le cours de la ley forsque
 sur le nosme de leur office, & sur cōditiō es-
 crie, que les dites prisōns, appergeront a le
 leur content en les ditz bres billes ou gar-
 rāt et ē tiels lieux ou les dites bres bilz ou
 garf requieres. Et si aucune des ditz viscōtz
 ou autz officers ou ministres suisditz, sign
 ascū obligation en aut fourme, p colour de
 leur offices, q il soit void, et que il ne signe
 plus pur le fescance dascun tel obligat gar-
 rant ou pcept p eux destre fait forsq iii. d.
 Et auant q chescune de les ditz viscounts
 face annuelmēt un deputy en les courts due
 roy de la chauncery, l'banke, et leschequer de
 recoz, deuant q ils retournent ascuns bres
 de rescieuer tonts mafis des bres & garrāt
 a eux destre deliueres. Et q tonts viscōt south
 viscountz, clerks, bailifs, gaolers, coroners
 seneschalz, bailifs des trafichises ou aucune
 auters officers ou ministres queux fount le
 contrary de cest ordināce en al point dicel
 pō al pty en pcel endam ou greue les tre-
 bles dam et forfait la sumē de xl. li. a ches-
 tēps q eux ou alx deux font le contrary di-
 cel, en al point dicel, dont le Roy dauet
 lune

Shriues.

lune moitie, ceo destre employes al bñe de son
hostiel, & en nul aut maner, & la party q̄ ceo
voet suer laut moity. Et que les Justices
des assises en leur Sessions, Justice de lun
bank & de lautre, & Justice de peace en leur
pais, eiant poier dequerer oier & termin del
office sans especial comission, de & sur toutz
yeux que ferrent le contrary dicestz ordina-
ces & aucun article ou point dicell. Et si les
ditz viscounts retoznēt sur aucune pson ce-
pi corpus, ou reddidit se, q̄ ils soiēt charge-
ables daver les corps des ditz persons a les
iours des retournes des ditz briefes, bil-
les ou garrāts, & tiel fourm com ils fuerent
deuant la fessance de ceo acte. Purveu toutz
foitz q̄ per cest present ordinaunce le gar-
deine del gaole du roy de Fleete, & del Pa-
leis du Roy a Westm, pur le temps esteant
ne soit endam ne preiudice en son duitye
de son office, et auxint q̄ cest ordi-
nāce commencea al feast de
de Pasche q̄ serra & lan
nostre Seignior

Fines 8. Chap. 24.

Item where it was ordeined in the time of king Edward the first, by the statute de finibus, that notes and fines to be leuied in the kinges court afoze his Justices, should be openly and solempnely read. And that ples in the meane time should cease. And this to be done by two daies in the weeke, after the discretion of the Justices, as in the said statute more plainly appeareth. *vide statutum de finibus leuatis 27. E. 1. fines. 1. before anñ 34. E. 3. cap. 6, fines 4.* The king our Soueraigne Lord, considereth that fines ought to be of the greatest strength to auoide strifes and debates, and to the finall ende and conclusion, and of suche effecte were taken, afoze a statute made of none claime, & now is vled the contrary, to the vniuersall trouble of the kinges Subiectes, wil therfore it be ordeined, by the aduise of the lords spiritual & temporal, & the commons in the said parliament assembled, & by auctoritie of the same, that after þ ingrossing of euery fine to be leuied after the feast of Easter, that shalbe in the yeare of our lord, 1490. in the kings court, afoze his Justices of the common ples, of any lāds, tenements, or any other hereditaments, the same fine be openly and solemply read & proclaimed in the same court the same terme, and

Fines.

and in three termes then next folloving y^e same engrossing in the same court, at foure several daies in every terme. And in the same time that it is so read & proclaimed all p^lees to cease. And the said proclamations so had and made, the fine to be final end and conclude, as wel priueis as est^rangers to the same, except women couert, other then been parties to the said fine, and every person then being within age of xxi. yer^s, in prison, or out of this realme, or not of whol mind at the time of y^e said fine leued, nor parties to such fine. And sau^{ing} to every p^lson or persons & to their heires, other then the parties in y^e said fine, such right, claime, & interest, as they haue to or in the said l^ands, tenements, or other hereditaments, time of such fine ingrossed. So that they pursue their title, claime or interest, by way of accion or lawfull entre, within five yer^s next after the said Proclamations had and made. And also sau^{ing} to all other persons such accioⁿ, right, title, claime and interest, in or to the saide l^ands, tenements, or other hereditamentes as first shal grow, remaine, or descend, or come to them after y^e said fine ingrossed and proclamation made, by force of any gifte in the taile, or by any other cause or matter, had and made before the saide fine leued, so that they take their accion, or pursue their saide right and title according to y^e lawe within five yer^s next after suche accion, right, claime, title, or interest

interest to them accrued, descended, fallen, or come, and that the saide persons and theyr heires may haue their said actyon agaynst the pernour of the pzoofites of the said landes and tenementes, and other hereditamentes time of the saide action to be taken, and if the same persons at the time of such action, right, and title accrued, descended, remained or come vnto them, be couert baron, or swith in age, in prison, or out of this lād, or not of whole mynde. That then it is ordeyned by the said aucthoritie, that their action, right and title to bee reserued and saued to them and to their heires, vnto the time they come and be at their full age of xxi. yeaues, out of prison, within this lande, vn couert, and of whole minde, so y they or their heires take their said actions, or their lawfull entre, according to their right and title, within fyue yerres next after that they come & be at their full age, out of prison, within this land, vn couert, and of whole minde. And the same actions pursue, or other lawfull entre take, according to the law. And also it is ordeined by the aucthoritie aforesaid, that al such persons as be couert de baron, not party to the fine, and euery person being within age of xxi. yerres, in prison, or out of this land, or not of whole minde at time of the said fines leuied and engrossed, and by this said act afoze except, hauig any right or title, or cause of action, to any of the said landes and other hereditamentes, that they or their heires,

D. j. inhe=

Fines.

Inheritable to the same take their saide actions or lawfull entre, according to their right and title, within v. yerres next after they come and be of the age of xxi. yerres, out of prison vncouert, within this land, & of whole mیده and the same actions sue, or their lawfull entre take and pursue accordinge to the law. And if they do, & take not their actions & enter as is aforesaid, that they & euery of them and their heires, & the heires of euery of them be concluded by the same fines for ever, in like forme as they bene p̄ bin parties or priuies to p̄ said fines. Sauinge to euery person or persons, not party nor priuy to the saide fine, their exception to auoid the same fine by that that those that were parties to the fine, nor any of them, nor no person nor persons to their vse, ne to the vse of any of them had nothing in the lands or tenements comprised in the said fine at the time of p̄ sayde fine leuied. And it is ordeined by the saide authoritpe, that euery fine that hereafter shalbe leuied in any of the kings courts, of any manors, lands, tenements, and other possessions, after the maner, vse, and forme that fines haue bene leuied afore the makinge of this act, be of like force, effect, and authority, as fines so leuied be or were afore the makinge of this act, this act or any other act in the saide parliament made or to be made notwithstandinge. And euery person be at his libertie, to leuy any fine hereafter, after his pleasure, whether he will after the
fourme

fourme conteyned and ordeyned in & by this
act, or after the maner and fourme afozetime
bled.

¶ Women.

¶ Anno 11. H. 7. cap. 20. Discontinuance
of right or estate.

FOr certeine reasonable conside-
rations, be it ordeyned, enacted, &
established by the king our So-
ueraigne Lord, & by the assent of
the Lords spiritual and temporal, & the co-
mons in this present parliament assembled,
and by auctoritie of the same, that if any
woman which hath had, or hereafter shall
haue any estate in dower, or for terme of life
or in taile iointly with her husband, or onely
to her selfe, or to her vse, in any manors,
lands, tenements, or other hereditaments,
of the inheritauce or purchase of her hus-
band, or geuen to the said husband & wyfe
in taile, or for terme of life, by any of the
auncesters of the said husband, or by any o-
ther person seised to the vse of the said hus-
band, or of his auncesters, and haue or shall
hereafter being sole, or with any other after-
taken husbände, discontinued or disconty-
nue, alpened, released, or confirmed, alpen,
release or confirme with warrantie, or by
couyne suffered or suffer, any recouerie of
the same, against them or anye of them,
D. 4. or any

Women.

or any other seised to their vse, or to the vse of either of them, after the forme aforesaid, that all such recoveries, discontinuances, alienations, releases, confirmations, & warranties, so had and made, & from henceforth to be had and made, be utterly void and of none effect. And that it shalbe lawfull to every person and persons, to whom the interest, title, or inheritance after the decease of the said women, of the said manors, lands, & tenements, or other hereditamentes, being discontinued, aliened, or suffered to be recovered, after the first day of December next coming, in the forme aforesaid should appertain, to enter into all and every of the premises, and peaceably to possesse and enjoy the same, in such maner and forme, as hee or they should have done, if no such discontinuance, warranty, nor recovery had ben had nor made. And over this be it ordeined and enacted by the said authoritie, that if any of the saide husbandes and women, or any other seised, or that shalbe seised to the vse of them, of the estate afoze specified, after the said first day of December, do make or cause to be made, or suffer any such discontinuance, alienations, warraunties, or recoveries, in forme aforesaid, that then it shalbe lawfull to the person or persons, to whom the saide tenementes should or ought to belong after the decease of the said woman, to enter into the same, & them to possede and enjoy, according to such title & interest, as they should have

haue had in the same, if the same woman had bene dead, no discontinuance nor recoveries had, as against the said husband during his life, if the said discontinuance, alienation, warranties, & recoveries bee hereafter had by or against the same husbandes & women during þe couerture & espousels betwixt the. ¶ Provided alway that the saide women, after the decease of their said husband, may reenter into the manors, landes, and tenements, and them to enioy according to their first estate in the same. And ouer this bee it ordeined and enacted by the said aucthority, that if the saide woman at the time of such discontinuance, alienations, recoveries, warranties, after the said first day of December in foure aforesaid to be had & made of any of the premises bee sole, that then she shal be barred and excluded of her title and interest in the same from thenceforth, & that the person and persons to whom the title, interest, and possession of the same should belong after the decease of the saide women, shall immediatly after the said discontinuance, alienations, warranties, and recoveries, enter into the same manours, landes, tenements, and other hereditaments, & them to possede & enioy, according to his or theyr title in the same. ¶ Provided also that this act extende not to auoide any recoverie, discontinuance or warrauntie, after the forme aforesaid, afore this time had, made, or suffred but onely where the said husband & woman,

D. ij. or

Women.

oz eyther of them now beeing alpyue, oz any other to their vse, now haue interest & title to the said manours, landes, tenementes, oz other hereditamentes, aliened, discontinued, oz suffered to be recouered, after the forme aforesaid, and therof now taking the issues and p[ro]fites, oz any other person oz persons to their vse.

Prouyded also that this acte extende not to any such recouerie oz discontinuance to be had w[ith] the heires next inheritable to the said woman, oz he oz they that next after the death of the same woman should haue estate of inheritance in the same manours, landes, oz tenementes, be assenting oz agreeable to the said recoueries, where the same assent and agreement shal be of reco[r]de oz inrolled. Prouyded also that it shal be lawfull to euery such woman being sole oz maried, after the death of her first husband, to geue sell, oz make discontinuance of any suche landes for terme of her lyfe onely, after the course and vse of the common law before the making of this present acte.

¶ An Acte concerning actions populer, and
statutes penall. Anno 7.H.8.cap.3.

Actions populer 3.

Where dyuers and many penall
Statutes and ordinaunces haue
bene made and ordeyned, some
whereby the punishments ge-
uen onely to the king our So-
ueraigne Lord, hys heires and successours,
by action, writ, bill, indictment, or informa-
cion, and some whereby the kinge by hym
self, or any other comon person for the king
or for himselfe onely, may sue by writ, bill,
indictment, or information against the of-
fenders in that behalfe, and because of long
tract of tyme, and for sparinge of the suite
thereof, and that then after such long tract
of tyme, dyuers and many of the kings true
subiectes hau bene in time passed vexed and
troubled for the penalties contayned in the
saide Statutes and ordinaunces, more for
malyce then for Justice, whereupon periur-
ies haue ensued, to the great trouble and
vexation of the kinges true subiectes their
heires and executors, being ignorant of the
said statutes & offences: wherefore, & for the
tender loue & zeale that our soueraigne lord
the king beareth to his said louing subiects
and at their humble desire. Be it enacted,
ordeined & established by his highnes, & by
the assent of the Lords spiritual & temporal
and

A. iij.

Action populer.

and the commons in this present parliamēt assembled, & by the auctoritie of the same, that all and singular such actions, suites, bills, indictments, or informations, as from the xx. day of the moneth of November the vij. yeare of our saide soueraigne Lozdes raigne shalbe commenced, taken, sued, had, or made, onely for any dette, moveable goods or cattailles forsaited and lost, or to be forsaited or lost, whereunto the king onely, his heires or successours, and none other common person shal or may be entitled by reason of the said penal statutes or any of them: shalbe commenced, sued, taken, or had with in fower yerres next after the offence or offences, forsayture or forsaitures, of, or for the same, had or made against the ordinance, and provision of any such acte or actes, statute or statutes penal, and not after the said iij. yeares. And that for any offence or forsayture made or had, or to bee made or had against the ordinance and provision of any acte or actes penal, made and ordeyned, or to be made and ordeined, whereby action, suit, bille, or information populer, is or shalbe geuen to any personne or personnes, such as will sue for the kinge and for him or them selfe, or onely for him or them selfe, that such action, bille, sute or information be commenced, sued, had and made, by such person or persons, other then the kinge, as wil sue in that behalfe, within one yere next after the offence or forsayture, had, made, or committed

committed against the ordinance and provision of any such acte or actes penall, and not after the sayd yeare ended. And that the kinges suit by writ, bill, plaint, indictment, or information on that behalfe be commenced, sued, had, or made, within two yeares next after the offence or forfeiture made or had against the provision and ordinance of any acte or actes, statute or statutes penall and not after the said two yerres. And if any action, suit, bill, indictment, or information, concerning the foresaid statutes, or any of them be had or made, otherwise then within the time or times limited, as is aforesaid, that then the same action, suit, bille, indictment, and information, and euery of them commenced, sued, had, or made, for the saide offence or offences, forfeiture or forfeitures, shalbe boide and of no force ne effect, any act or actes, statute or statutes made to the contrary notwithstanding.

¶ Provided alway, that where any action, information, or indictment, is limited by any statute to be had, made, or taken within shorter time or times, then (as is aforesaid rehearsed) that it be had, made, and taken, according to the time limited in that statute.

¶ An

Recoveries.

An act concerning aduowries for rentes
and seruices, anno 7.H.8.cap.4.
Recoveries 1.

Whereas dyuers, aswell noble men as
other the kinges subiectes haue suf-
fered Recoveries agaynst them of
dyuers their mannours, lordships, landes,
and tenements, for the performance of their
willes, or for the suertie of theyr wyues
iointures, or for the iointure of sonnes and
heires apparant and their wyues, or for a-
ny other persone or persons, accordeinge to
their couenants and agreements, and those
personnes that so haue recovered the sayd
manours by the course of the comon law, had
no remedy, nor may haue, to compel the fer-
mour, freeholders and tenants, which helde
of the same manours by the rents seruices
or customes, to attourne to them, nor could
by the order of the law attaine to the rents,
seruices, or customes, (if they were denied)
by distres or actyon, without they could
once atteine to the possession of the same
rentes, seruices, and customes, by paying or
doing the said rents, seruices, or customes,
by the same freeholders, sermoys, & tenants,
which to do, dyuers and many of them haue
oftentimes refused, & yet do, to the great of-
fence and charge of their consciēce, not only
to the disheritace of the said recoverers, but
also in breaking of y^e last wils of thē agaynst
whom such recovery is had: and also to the
disen-

disinheritance of the said husband, wiues, and
other to whose vse the same recoverie was
so had. Also if there were any aduowson ap=
pendant to any of the said manors, the same
aduowson had fallen void, & a stranger had
presented, the saide recoverers, nor they to
whose vse the same recoveries were had, had
no remedie for the same disturbance, & some
time thereby they haue bene disinherited.
Be it therefore enacted by this present par=
liament, & by the auctoritie of y^e same, that
the recoverers in all such recoveries, theyr
heires, & all assignes, may from henceforth
distreine for the foresaid rents, seruices, and
customes, so being due & vnpaid, and make
auowrie or iustifie the same, as those pers^{ons}
against whom the saide recoverie is, should
haue done, if the said recoverie had not bene
had, & also haue like remedie for the recou=
ring of the said rent seruices & customes, by
auowry, & also Quare impedit for the said ad=
uowson, if any disturbāce be made, as those
pers^{ons}, against whom the said recoveries
were had, might, or should haue had, by the
course of the cōmon law before y^e said reco=
uerie if any such rēt seruices or custōes had
ben denied thē, or any such disturbance had
ben had in their times And also y^e every a=
uowāt, & every other pers^{on} or pers^{ons} y^e ma=
keth auowry, confesse or knowlege, or ius=
tifie as bailly, to any other pers^{on} or pers^{ons}
in any Replegiare, second deliuerāce, for any
rēt, custōe or seruice, if their auowry, confesse
or

Afsife.

oz iustification be found for them oz by plain-
tifes in the said actions otherwise barred,
that recouer their damages and costes that
they haue sustained, as the plaintife should
haue done, if they had reconered in the said
Repleuins. & Soe after Anno 21.H.8.cap.
19. Quowzie 1.

¶ Afsife.

¶ An acte concerning Abridgements of plaintes
in Afsife, anno 21.H.8.cap.3. Afsife 17.



As much as Afsises which
haue bene thought the moſte
ſpedy remedy, be now by occa-
ſion of pleding of many barres
to moities and partes of the
landes put in view and plaint,
greatly delayed, for difficulties & diuifion of
pledging. And one cauſe thereof is, becauſe by
plaintifes in the aſſiſe in ſuch pleaes, to moi-
ties and partes, cannot by the law abridge
their plaintes. For remedy whereof bee it
enacted, that the plaintife in euery aſſiſe from
henceforth, may at his pleaſure ſeuer and a-
bidge his plaint, of any part or parts wher-
vnto any barre is pleaded, in ſuch like ma-
ner, as he or they might do, in caſe that pleaes
in barre had bene made and deuided, to any
certeintie or number of acres in the playnt
& that the plaint for the reſydue of the part
of

or parts of the landes not abridged, shalbe & stand good & effectuell in the law.

Spirituell persons.

An Acte against Pluralities of benefices, for taking of fermes by spiritual men, and for residence. An. 21. H. 8. ca.

13. Residence 2.



For the more quiet and vertuous increase and maintenance of diuine seruice, the preaching and teaching the worde of God, with godly & good example geuinge; the better discharge of Curats, the maintenāce of hospitality, the reliefe of poore people, the encrease of deuocion, and good opinion of the lay see, toward the spiritual persons. Be it enacted, ordeined, & established by the king our soueraigne Lord, with the assent of the Lords spiritual and temporal, and the commons in this present parliament assembled, and by authoritie of the same, that no spiritual person, secular or regular, of what degree soeuer he or they be, shall from henceforth take to ferme to him selfe, or to any person or persons to his vse, of the lease or graunt of the king our soueraigne Lord, nor of any other person or persons, by letters patents, indentures, writings, by word, or other

Spirituell persons.

otherwise, by any maner of meanes, any manors, landes, tenementes, or other hereditaments for terme of life, for terme of yeares, or at will, bypon payne to forfait tenne pound for euery moneth that he or any other to his vse shall occupie any such ferme, by reason of any such lease or graunt hereafter to be made. The one halfe of which forfeiture to be to the king our soueraigne Lord, and the other halfe thereof to euery suche person as will sue for the same by original writ, bill, or plaint of debt, or by any information in any of the kinges Courtes, in which action and suit no wager of law shall be admitted for the defendand, nor any essoin or protection allowed.

And be it also enacted by the authority aforesaide, that all & euery such spirituell person or persons, which now haue or occupie in ferme by them selfe, or by any other to their vse, any manors, landes, tenementes, or hereditamentes, of the lease or graunt of the king our soueraigne Lord, or any other person or persons for terme of life, or for yeares, or at will, by any writing, or otherwise, or that now haue any annual rents, or other annual aduantage or profit, by occasion or colour of any such lease or ferme: shall clerely bargaine, sell, geue or graunt away on this side the feast of Saint Michael the Archangell next comming to any such lay person or persons, as they wil at their owne nominations and appointmēt, al such lease, terme

terme, interest, and profite as any such spiritual persō, or any other to his vse now he hath or haue, in, or by reaso of any such ferme so that in no wise any such spiritual person or persons at any time after the same feast, by them selfe or any other to their vse by any maner of means, fraud, or male ēgin, shall haue vse, or occupy in ferme, any manors, landes, tenements or hereditaments, of the demise, lease or graūt of any person or persons heretofore made, or hereafter to be made, to them selfe, or to any other to their vses: nor from the said feast shall take any annuell rent or other annuall aduantage or profite, by occasion or colour of any suche lease or ferme by any maner of meanes, upon paine to forfait for euery moneth so occupyinge any such ferme, at any time after the said feast, contrary to this present act, tenne pounde, and upon peine to forfait tenne ties as much as any such spirituall person or any to his vse, shall take in any annuell rent aduantage or profite, by occasion or colour of any suche lease at any time after the said feast. The one halfe of which forfeiture to be to the Kinge our soueraigne Lorde, and the other halfe to him that will sue for the same by original writte, bille, or plainte of debt, or by information in any of the kings courts, in which action & suit no swager of lawe shall be admitted for the defendaunt, nor any essoine or protection allowed.

And

Spirituell persons.

And be it also enacted, that all such leases made or hereafter to bee made vnto any such spirituall person or persons, or to any other to their vse, for terme of lyfe, terme of yerres, or at will, of any manors, landes, tenements, or hereditaments, whereof they or any of them shal take any profit, or medling by them selfe or by any to their vse, after the said feast of saint Michael, by colour of any such lease or graunt, (and not by them bargained, graunted, and solde away befoze the said feast, as is befoze limitted) shall from thenceforth be vtterly boide and of none effect, as well against the lessour or lessours, grauntour or grauntours, their heires and assignes, and against euery of them, as against the lessee or lessees, and their executors and assignes, and euery of them.

Prouyded alway that this present acte shall not extende to any spiritual person or persons, in, and for taking to ferme any temporalties, during the time of vacations, of any Archbishops, Bishops, Abbots, Priories, or other collegial, cathedrales, or conuentual churches, nor to any spiritual person or persons, that shall rende or make any traues vpon any offices or office, concerning his or their freeholde.

And be it also enacted by the authoritie aforesaid, that no spiritual person or persons secular or regular, of what estate or degree soeuer they be, shal from henceforth by hym self, nor by any other for him, nor to his vse, bargain

bargaine and buy to sel againe for any lucre
gaine or profite, in any markets, faires, or
other places, any manner of cattelles, cozne,
lede, tinne, hides, lether, tallow, fish, woole,
wood, or any maner of victuall or marchan-
dise, what kinde soeuer they be of, vpon pain
to forfait treble the value of euery thing by
them, or by any to their vse bargained and
bought to sel againe contrary to this presēt
acte. And that euery such bargaine and cō-
tract hereafter to be made by thē, or by any
to their vse contrarie to this acte, shall bee
utterly boide & of none effecte. And the one
halfe of euery such forfeiture to be to h^e king
our soueraign lord, & the other halfe to him
whil sue for the s^ae by original writ of det
bil, plaint, or informatiō, in any of h^e kinges
courtes. In which action or suite no wager
of law for the defendaunt shalbe admitted,
nor any essoine nor protection allowed.

¶ Provided alway, that if any such spiri-
tuall person or persons, shal happē hereafter
without fraud or couine to buy any horses,
mares, or meewles to the only intēt to occu-
pie for himselfe or his seruauntes, to ride to
and fro, vpon his necessarie busines, or any
other cattelles or goods, to the only intent
and purpose at the buying therof to be em-
ployed and put, in, and about his necessarie
apparaille of his owne house, or of his person
and seruantes, or in, for, and about the only
occupping, manuring, or tillage of his owne
glebe or demeane landes annexed to his
church

Spiritual persons.

church, or for the necessarie expenses of his owne household keeping. And after the buying of any such horses, cattels or goods, or exercise of them or of anie of them, hapneth to mislike anie of them, that they should not be good, profitable nor conuenient for any of the purposes abouesaide, for the which they were bought, that then enery such spiritual person or persons may lawfully bargaine & put away such things so by him bought, without fraude or couine for any of the purposes aboue saide, at his pleasure and aduantage, this acte or any thing therein contained notwithstanding.

¶ Provided alway that all abbots, priours, abbesles, prioresses, prouostes, prebendes, maisters of colledges, and hospitals, and all other spiritual gouernors, and gouernesses of any spiritual monasteries, or houses of religion, by what name or names soeuer they be called, hauing manors, lands, and tenementes, hereditamentes, and other perely profites, in the right of their monasteries or houses, of the perely value of viij. C. markes, or vnder, and not aboue, may vse and occupie as much and as many of their demeane landes, for termes, and termes to their most aduantage, commodity, and pite to and for the onely maintenaunce of their householdes and hospitalities, in as ample & as large maner as they or any of them, or their predecessours, or the predecessours of any of them, at any time by the space of one C. yeres

peres last past, before the making of this act, haue done, vsed, and occupied. Any thing in this present acte to the contrarie notwithstanding.

¶ Provided also, that euerie other spiritual person and persons, not hauing sufficient glebe or demeane lands in their own hands, in the right of their churches, monasteries, & houses for pasturage of cattelles, or for increase of coynes, to and for the onely expenses of their householdes, or for their cariages and iournies, may take in ferme other landes, and buy and sell cozne and cattell for the onely manurance, tillage, and pasturage of such fermes, so that the increase thereof bee alwayes imployed and put to, and for the onely expenses in their householdes and hospitalities, and not in any wise to buy and sell againe, for any other commoditie, lucre, or aduantage any cozne or cattell, renewing, comming, or growing, in and vppon anye such ferme, or otherwise, but onely the remaine and ouer plus aboue the expenses of their householdes, if any such shall happen to the breed and increase thereof, without fraude or coine. Any thing in this present acte to the contrarie hereof notwithstanding.

¶ And be it enacted by the authority aforesaid, that if any persō or persōs hauing one benefice with cure of soule, being of þe yerely value of viij. ponde or aboue, accepte and take any other with cure of soule, and be instituted and inducted in possession of þe same: that

It. ij.

Spirituell persons.

that thē and immediately after such possession had thereof, the first benefice shalbe adjudged in the law to be voyde. And that it shall be lawfull to every patron, hauing the auowson thereof, to present another, and the presentee to haue the benefite of the same, in such like manner and forme as though the incumbent had died or resigned, any licence, vniō, or other dispensation to the contrary hereof obtained, notwithstanding.

And that every such licence, vniō, or dispensation had, or hereafter to bee obtained contrarie to this present acte, of what name or names, qualitie or qualities so euer they be, shal be vtterly voyde and of none effecte. And if any person or persons at any time after the first day of April, in the yere of our lord God, M. v. C. and xxx. contrary to this present act, procure and obtaine at the court of Rome, or els where, any licence or licences vniō, tolleration, or dispensatiō, to receiue and take, any moe benefices with cure, than is a bone limitted, or els at any time after the said day put in execution any such licence tolleration, or dispensation, before that obtained contrarie to this acte: that then every such person or persons, so after the said day suing for himselfe, or receiuing and taking such benefice by force of such licence or licences, vniō, tolleration, or dispensation, that is to say, the same persō or persons only and none other, shal for every such default incurre the danger, peine, and penaltie, of

xx.

Spirituell persons. 131

xx. li. sterlinge. And also lose the whole profits of every such benefice or benefices, as he receiveth or taketh by force of any such licence or licences, union, tolleratio, or dispensatio. The one halfe of which forfeiture to be to the kinge our soueraigne lord, and the other halfe thereof to him that wil sue for the same by original writte, by bill, plaint of dette, or information in any of the kinges courts, in which action and suit no wager of lawe, essoine, or protection for the defendant shall be admitted or allowed.

¶ Provided also waies, that this act concerning the not keeping of mo benefices with cure of soule then one, extend ne be prejudiciall to any person or persons, which at any time before the saide first day of Aprill, in the yeare of our lord God M. v. C. and xxx. shal be really intituled or possessed of any such benefices with cure of soule, as concerninge or touchinge any of the same benefices, where of they shal then be all ready really entitled or possessed before the saide daye, to or under the number of iij. and not above, and if any such spiritual person or persons so beinge entitled or possessed of moe benefices with cure of soule then iij. do not by the first daye of Aprill clerely and without yerely pension resigne or otherwise geue by al and euerye such benefices and benefice as he shal be soe entitled and possessed of, above the said number, that then it shall bee lawfull for every patron hauing p aduocato of any such benefice

Spiritual persons.

nesse of the same in like maner and fourme as though it had bene voyde by death or resignation of the incumbent, any licence, vniō, or other dispensation to the contrary hereof obtained notwithstanding. And this clause of presentation to be taken and vnderstandē, and of such benefices with cure of soule, as were geuen to any such spirituall person after the saide number of iij. benefices with cure furnished and fulfilled.

¶ Provided also, that al spirituall mē now being, or which hereafter shall bee of the kings counsaile, may purchase licence or dispensation, and take, receiue, and keepe thre personages or benefices with cure of soule, & that al other being the kings chapleins, & not swozne of his counsaile, the chapleins of the queene, prince or princeesse, or of any the kings children, brethren, sisters, vnclēs, or auncles, may semblablye purchase licence, or dispensation, and receiue and keepe two personages or benefices with cure of soule. And in likewise that euerie archbishop and duke may haue vi. chapleines, whereof euerie one shall and may purchase licence, or dispensation, and take, receiue, and keepe two personages or benefices with cure of soule, and that euerie marques & earle may haue five chapleines, wherof euerie one may purchase licence or dispensation, and take, receiue, & keepe ij. personages or benefices with cure of soule. And that euerie viscount and other bishoppe, may haue fouer chapleins, wher-
of

of euery one may purchase licence, and receiue, haue, & keepe two personages or benefices with cure of soule, as is aforesaid. And that the chauncellour of England for the time being, and euery baron & knight of the Garter, may haue thre chapleines, whereof euery one shal now purchase licence or dispensation, and receiue, haue, and keepe two personages or benefices with cure of soule. And that euery dutchesse, marques, countesse, & baronesse, being widowes, maye haue ij. chapleines, wherof euery one of the may purchase licence or dispensation to receiue, haue, and keepe two benefices with cure of soule, & that the treasurer & comptroller of the kings house, the kings secretary, & deane of his chappell, the kings almoner, & y^e maister of y^e rolles, may haue euerye of them two chapleins, and the chiefe Justice of the kings benche one chapleine, and the warden of the five portes for the tyme being, one chaplein, wherof euery one maye purchase licence, and receiue, haue and keepe two personages, or benefices with cure of soule. And that the brethren and sonnes of al temporal lords, which are bozne in wedlocke, maye euerye of them purchase licence or dispensation, and receiue, haue and keepe as manye personages or benefices with cure, as the chapleines of a duke or an archbishoppe. And likewise the brethren and sonnes bozne in wedlocke of euerie knight, maye euery of them purchase

licence

R. iij.

Spirituell persons.

licence or dispensation, and receiue take and keepe, two personages or benefices wth cure of soule.

Provided alwaies, that the said chapleines so purchasing, taking, receiuing and keeping benefices wth cure of soule as is aforesaid, shalbe bounde to haue and exhibite where neede shal be, letters vnder the signe and seale of y^e king, or other their lord and master, testifying whose chapleins they be, and els not to enioy any such pluralitie of benefices by such chapleine. Any thing in this act notwithstanding.

Be it also provided that all doctozs and bachelers of diuinitie, doctours of law, and bachelers of law canon, and euery of them which shal be admitted to any the saide degrees, by anye of the vniuersities of this Realme, and not by grace onely, may purchase licence, and take, haue, and keepe two personages or benefices wth cure of soule so that alwaies the saide libertie by any of the provisions beforesaide geuen to anye of the saide counsaillours chapleins, and other persons befoze specified, to purchase licence or dispensation, and take, receiue, and keepe, no benefices the one, after the manner and fourme aforesaide; be taken and vnderstanden to extende in number to no more benefices wth cure of soule, the is aboue limited, accompting in the same and as parcell therof, such benefices wth cure of soule, as any of the said persōs shal haue in real title

or in their possession, at the saide first day of April, in þ yere of our lord God. M.v.C. and xxx.

Prouided also, that euery Archebischop, because he must occupie viij. chapleines at consecrations of bishoppes. And euery Bischoppe because he must occupie vj. chapleins at geuing of orders & consecration of churches, may euery of them haue ij. chapleines ouer and aboue the number aboue limited vnto them, whereof euery one may purchase licence or dispensation, and take, receiue and keepe as many personages & benefices with cure of soule, as is before assigned to such chapleines.

Prouided also, and be it enacted by authoritie aforesaid, that no person or persons to whom anie number of chapleines or any chapleine by any of the prouisions aforesaid is limited, shal in any wise, by coloz of any of the same prouisions, auauce any spirituall person or persons, aboue the number to them appointed, to receiue or keepe any mo benefices with cure of soule, then is aboue limited by this acte, any thing specified in the saide prouisions notwithstanding, and if they doe, then euery such spiritual person and persons, so auauced aboue the said number, to incurre the peine and penaltie contained in this acte.

Be it also furthermore enacted by the authoritie aforesaid, that as wel euery spiritual person now being promoted to anie Arche-

Spiritual persons.

archdeaconry, deanry, or dignity in any monasterie or cathedral church, or other church conuentual or collegiall, or being beneficed with anie personage or vicarage, as all and enery spiritual person & personnes, which hereafter shall be promoted to any of the said dignities, or benefices, with anie personage or vicarage from the feast of saint Michell the archangel next comming, shall be personally resident and abiding, in, at, and vpon his said dignitie, prebende, or benefice, or at one of them at the least. And in case any such spiritual person at any time after the said feast, kepe not residence at one of his said dignities, prebend, or benefices, as is aforesaid, but absent himselfe wilfully by the space of one moneth together, or by the space of two moneths, to be accompted at severall times in any one yeare, and make his residence and abiding in any other places, by such time, that then he shall forfeit for euerie such default x. li. sterling. The one halfe thereof to the king our soueraigne lord, and the other halfe of the same to the partie that will sue for the same in any of the kings courtes by originall writ of debt, bill, plaint, or information. In which actiō and suit the defendant shall not wage his lawe, nor haue anie essoine or protection allowed.

¶ And if any person or persons procure or obtaine at the court of Rome or els where, anie maner of licence or dispensation to be non resident at their said dignities, prebend

or benefices, contrarie to this acte, that then euery such person or persons, putting in execution anie such dispensation or licence for himselfe, from the said first day of April, in the yere of our lord god M. v. C. & xxx. shall runne and incurre in the penaltie, damage, and peine of xx. pounde sterling for euerie time so doing, to be forfeited and recovered as is abovesaid, and such licence or dispensation so procured, or to be put in execution, to be void and of none effecte.

It is also provided alwaies that this acte of non residence shal not in any wise extend ne bee prejudicial to any such spirituall person as shall chaunce to be in the kinges seruice beyond the sea, nor to anie person or persons going to any pilgrimage or holy place beyond the sea, during the time that they shal so bee in the kinges seruice, or in their pilgrimages going and returning home, nor to any scholar or scholars being conuersant and abiding for studie, without fraude or couine at any vniuersity within this realme or without, nor to any of the chapleines of y^e kings or queenes daylie or quarterly attending and abiding in the kings or queenes moste honorable householdes. Nor to anie of the chapleines of the prince or princesse, or anie of the kings or queenes children, brethren or sisterne, attending daylie in their honorable householdes, during so long as they shal attende in anie of their saide householdes.

¶ Nor

Spirituell persons.

¶ To any chapleine of any Archbishop or
bishop, or of any spiritual or tēporal lordes
of the parliament, daily attendinge, abiding
and remaining in any of their honourable
housholds. ¶ To any chaplein of any du-
chesse, marques, countesse, vicountesse, or ba-
ronesse, attendinge dailye and abiding in a-
ny their honorable housholds. ¶ To anye
chapleine of the lord Chauncelloz, or Trea-
surer of England, the kinges Chamberlaine
or steward of his housholde for the time
being, the treasurer and comptroller of the
kinges most honorable housholde for the
time beinge, attending daily in any their ho-
norable housholds. ¶ To any Chapleine
of any the knights of the honorable order of
the garter, or of the chiefe iustice of the kings
benche, warden of the ports, or also of the
Maister of the rooles. ¶ To any chap-
leine of the kinges secretarie and deane of
the Chappell, or almoner for the time beinge,
daily attendinge and dwellinge in any their
housholdes, duringe the time that any suche
chapleine or chapleins shal abide and dwell
without fraude or couine, in any of the said
honorable housholdes. ¶ To the master
of the rolles, or deane of the arches. ¶ To
any chauncelloz or commissary of any arch-
bishope or bishoppe. ¶ To as many of the
xij. masters of the Chauncery, and xij. aduo-
cates of the arches, as be or hereafter shall
be spirituall men, duringe so longe time as
they shall occupy their saide roles & offices
¶ To

For to any such spirituall persons, as shal happen by iniunction of the lord chancelloz or the kinges counsell to be bounde to anye daily apparance and attendance to answer to the law, during the time of such iniunction.

Provided also that it shall be lawfull to every spirituall persō or persōs, being chaplaine to our soueraigne lord the kinge, to whom it shal please his highnes to geue any benefices or promotions spirituall, to what number soever it be, to accept & take the same, without incurring the daunger, penaltie, and forfaiture in this estatute comprised. And that also it shalbe lawfull to the kinges highnes to geue licence to every of his owne chapleins for non residence vpon their benefices. Any thing in this presente acte contained to the contrarie notwithstanding.

And be it furthermore enacted by the authoritie aforesaid, that no spirituall parson, seculer, or regular, beneficed with cure, as is afoze rehearsed, from the feast of saint Michael tharchāgel next comming, by authority of any maner licence, dispensation, or otherwise, shal take any particular stipend or salarie to sing for any soule, nor haue or occupie by himselfe, or by any other to his vse, any personage, or vicarage in ferme of the lease or graunt of anye person or persons, nor take any profite or rent out of any such ferme, vppon paine to forfait .xl.s. for every

every

Spiritual persons.

every such weeke that he or any to his vse shall occupie or haue any such stipende or ferme contrary to this present act. And by paine to loose x. times the value of such pit or ret as he shall take out of any such ferme after the said feast. The one halfe of which forfeitures to be to the king our soueraigne lord, & the other moiety to him that will sue for the same by originall writ, bill, plaint of debt, or by information in any of the kinges courtes, in which suit & action, no wager of law shall be admitted for the defendant, nor any essoine or protection allowed:

¶ Provided alway that no deanrie, archdeaconrie, chauncellourship, treasurer'ship, chaunter'ship, or prebende in any cathedrall or collegial church, nor personage, that hath a vicar indued, nor any benefice perpetually appropriated, be taken or comprehended vnder the name of benefice hauing cure of soules, in any article afore specified.

¶ Provided also and be it enacted by the authoritie aforesaid, that no spiritual person or persons regular or secular, of what estate, degree, or condition soeuer he or they be, from the first daye of Aprill next coming, haue, vse, or keepe, by him or the selfe, or by any person or persons to his or their vse or commoditie, any maner of tane house or tane houses, to be used or occupied to his or their owne vse, commoditie, or behoofe nor from the said first daye of Aprill next coming, shall haue, vse or keepe any manner of
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hys house or hys houses to any other use
intent or behoofe, then onely to be spent and
occupied in his or their owne houses, vppon
peine to forfait for euery moneth so vnyng
and occupying any of the said misteries, or
occupations x. li. The one moitie thereof to
the king our soueraigne Lord, and the other
moitie to him that will sue for the same by
original writ, bill, plaint of det, or informa-
tion in any of the kings courtes, in which
action and suite no wager of law shalbe ad-
mitted for the defendand, ne any esloigne, or
protection allowed.

¶ Provided alwaies, that euery dutches,
marquesse, countesse, baronesse, widowes,
which haue taken, or that hereafter shall
take any husbandes vnder the degree of a
baron, may take such number of chapleines
as is aboue limited to the being widowes
and that euery such chapleine may purchase
licence to haue and take such number of be-
nefices with cure of soule, and haue like li-
bertie of non residence in manner and forme
as they might haue done if their said ladies
& maistresses had kept theselues widowes.
Any thing in this present acte contained to
the contrarie notwithstanding.

¶ Provided alwaies, that euery spirituall
person or personnes, hauing landes, tene-
mentes or other possessions in the right of
their houses, aboue the yerely value of vij.
C. markes, may keepe & retaine in their oc-
cupation and manurance, as much as their
said

Spiritual persons.

said landes and tenementes, and other possessions, as shalbe necessarie and sufficient for pasturage of their cattelles, and for tillage of cornes to be employed and spent for the only maintenance, sustentation, and keeping of his or their householdes and hospitalities, without fraud or couine, any thing in this present acte to the contrary thereof notwithstanding.

Provided alway that it may be lawfull to every spiritual person and personnes, to take in ferme any meases, māslōs, or dwelling houses, hauing but onely orchardes, or gardeines, in any cite, borough, and towne for their own habitation or dwelling. Any thing in this acte to the contrary notwithstanding. So that no persō spirituall other then be aboue provided for, for their non residence haue any libertie of non residence by colour of this prouiso: § See the statutes

made 25. Henry 8. cap. 16. and 28. H. 8.

cap. 13. and 33. H. 8. ca. 28. in Re=

uēce 3. 4. and 5. who els may
haue dispensation & be
non resident. §

An acte that all fermers may enioy their leases,
against recoueries had by fayned titles, and
falsifie the same recoueries, An. 21.

H. 8. ca. 15. Recoueries 2.

Where afore this time diuers persons
haue made leases of their manors,
landes, tenements, and other heredi-
taments, sometime by their indentures, and
sometime without writings to their per-
sons for terme of yeares, taking of the great
fines for the incummes of the same leases, &
after the same lessours, theyr heires or as-
signes, haue caused and suffered recoueries
to be had against them in the Court of our
loueraigne lord the king, and in other lords
courts, vpon fained & vntrue titles, by craft
& couin, to put the said termours from their
said termes. And after such recoueries had,
the same recouerers, by reason of such reco-
ueries and iudgements, haue entred into the
same manors, landes, tenements, and other
hereditaments, so to ferme letten, & thereof
haue expelled the said fermers, contrary to
their said leases, couenants, & agreements.
And because it was doubted to some persons
whether the said fermers might falsify such
recoueries or not.

Be it therefore enacted by the king our
loueraigne Lord, by the assent of the Lords
spiritual & tempozal, & the commons in this
present parliament assembled, & by the auc-
thority of h^e same, that al such fermers shal &
may

Sh.

Recoveries.

may falsifie for hye terme onely, such recoveries, as wel heretofore had, as hereafter to be had, in such wise and forme, as a tenant of a freeholde, shall and may do by the course of the comon law, where such tenant of freehold was neyther priue nor partie to the same recovery. And that the same termers, their executors and assignes, notwithstandinge such recoveries so had, shall retyne, hold, & enioy their said termes, according to their said leases against al such recoverors, their heires and assignes. And that the said recoverors their heires and assignes, after such recovery so had, shal haue like remedy against the saide termers, their executors and assignes, by auowrye or action of debt for the rentes and seruyces reserved bypon the same leases, beeyng due after the same recoveries, & also like actions against them for wast done, after the same recoveries so had, in lyke maner and fourme as the said lessours should or might haue had, if the same recoveries had neuer ben had.

And also be it further enacted by the auctorite aforesaid, that no maner of statute of the Staple, statute Marchant, nor execution by Elegit, be hereafter auoyded, or in any wise made frustrate, by meanes of any such feined recovery, but that al persons having any lands, tenements, or other hereditaments in execution, or being intituled to haue execution of any manours, landes, or tenements, by any such meanes, shal haue
by

by force of this estatute lyke remedy to as
noide and falsifie the same recoveries, as be-
fore is ordeyned and provided for the lesles
for terme of yeares.

¶ Auowrie.

An acte concerninge Auowries. Anno 21.
H. 8. cap. 19. Auowrie 1.

Where as well the noble men of this
Realme, as diuers other persons, by
fines, recoveries, grauntes, and se-
cret feoffements & leases, made by their te-
nants to persons vnknowen, of the lands &
tenements holden of them, haue ben put fro
the knowlege of their tenants, vpon whom
they should by order of the law make their
auowries, for their rentes, customes, & ser-
uices, to their great losses & hinderances.

¶ Be it therefore enacted, established, and
ordeined by authoritie of this present par-
liament, that wheresoener any manours,
lands, tenements, and other hereditaments,
be holden by any maner person or persons,
by rentes, customes, or seruices, that if the
Lord, of whom any such manours, landes, te-
nementes, or hereditamentes bee so holden
distraine vpon the same manours, landes,
or tenementes, for any such rents, customes
or seruices, & repleuin thereof be sued, & the
Lord, of whom the same lands, tenementes,

S. ij.

or hee

Auowric.

or hereditaments be so holden, may auow,
or his bailife or servant make consilance, or
iustify for taking of the said distres, vpon
the same lands, tenements, or hereditaments
so holden, as in lands or tenements within
his fee or seigniorie, alleaging in the said a-
uowrie, consilance, & iustification, the same
manors, landes, and tenements to be holden
of him without naming of any person cer-
taine to be tenant of the same, and without
making any auowrie, iustification or con-
silance vpon any person certeine. And lyke-
wise the Lord, bailife, or servant to make a-
uowrie, iustification, or consilance, in lyke
maner and fourme vpon euery wyte sued of
second deliuerance.

And also be it enacted by the saide auc-
thoritie, that euery auowant, & euery other
person and persons, that make any such a-
uowrie, iustification, or consilance, as bailie,
or servant to any person or persons in any
Replegiare, or second deliuerance, for rentes,
customes, seruices, or for damage felant, or
other rent or rentes, vpon any distres taken
in any landes or tenementes: if the same a-
uowrie, consilance, or iustification be found
for them, or the plaintifes in the same be
nonsuit, or otherwise barred: that then they
shall recouer their damages & costes against
the saide plaintifes, as the same plaintifes
should haue done or had, if they had reco-
uered in the Replegiare, or second deliuerance
found against the saide defendants. ¶ See be-
fore

foze, anno 7.H.8.cap.4. Recoueries 1.

And be it also ordeyned, that the sayde
plaintifes and defendants in the said writs
of Replegiare, or writs of second deliuerance,
and in euery of them, shall haue like pless &
like aide and prayers in all such auowries,
conisances, & iustificacions, pless of disclai-
mer onely except, as they might haue had
before the making of this acte, & as though
the said auowrie, conisance, or iustification
had beene made after the due order of the
common law.

And it is further enacted by the said auc-
thoritie, that all such persons as by p order
of the common law may lawfully toyne to
the plaintiffs or defendants in the said writs
of Replegiare, or second deliuerance, as well
without proces as by proces, shal fro hence
forth ioine vnto the said plaintiffs or defen-
dants, as well without proces as by proces, &
to haue the like pless & like auantages, in al
things (disclaim onely except) as they might
haue done by the order of the common law
before the making of this acte.

¶ Attaint.

¶ An acte concerning perurie and punishment
of vntrue verdictes. Anno 23.H.8.

cap. 3. Attaint 15.

The king our soueraigne lord of his most
godly & gracious disposicion, calling to
his remembrance, how that perurie in this
land

S.iiij.

Attaint.

lande is in manifolde causes, by vnreasona-
ble meanes, detestably vsed to the inheritāce
and great damage of many and great num-
ber of his subiectes, wel disposed, and to the
moſte high displeasure of Almighty God.
The good statutes against all officers ha-
uving retorne of writs and their deputies
making panells partially for rewarde to
them geuen, against vnlawfull mainte-
ners, embracers and iurors, and agaynst
iurors vntreuely geuing their verdict, not-
withstanding. For reformation whereof,
and for asmuch as the late noble king Hen-
ry the ſenenth, provided remedye for the
same by a statute made in the 21. yere of his
raigne cap. 24. which statute is now ex-
pyred. Be it therefore now enacted by the
king our ſoueraigne Lord, & the Lords spi-
rituall and tempozall, and the Commons
in thys present Parlyament assembled,
and by authoritie of the same, that by-
pon euery vntreue verdict hereafter ge-
uen betwixt partye and partye, in anye
ſuyte, plaint, or demaunde, before anye
Iustices or Iudges of recorde, where the
thinge in demaunde and verdict there by-
pon geuen, extendeth to the value of fortye
pounde, and concerneth not the ieopardy of
mans lyfe, the partie greued by the same
verdict, shall haue a writte of Attaint a-
gainst euery person hereafter so geuyng
an vntreue verdict and euery of them, and
against

against the party, which shall haue iudge-
ment vppon the same verdict. And that in
the same attaint, there shalbee awarded a-
gainst the petit iurpe, the party, and the
graunde Jury, Sommons, resomch, and dis-
tresse infinite, which graund Jurye shall bee
of like number, as the graunde iurie is now
in attaint: and euerye of them, that shall
passe in the same, shall haue landes and
tenementes to the value of twenty markes
by the yere, of freeholde, out of the aunci-
ent demesne. And vpon the distres which
shall bee deliuered of recozde, vpon the same
open proclamation to be made in the court
where the distresse shall bee awarded moze
then fifetene daies afoze the retourne of the
same distresse, and euerye such distresse shall
be made vppon the lande of euerye of the
saide graunde Jurye, as in other distres-
ses is and hath bine used. And if the saide
partye defendant, oz the petite Jurours,
oz anye of them appeare not vpo the distresse
then the graund iurie to be taken againste
them and euerye of them that shall so make
default. And if any of the saide petite iu-
rie appeare, then the partie complainant in
that behalfe, shall assigne the false scremet
of the first verdict vnturlye geuen, where-
unto they of the petite iury shall haue none
answere (if they bee the same persones,
and the writte, proces, retozne, and assigne-
ment goode and lawful), except that the
demaundant oz, plaintife in the same

S.iiij.

Attaine

Attaint.

Attaint hath afore ben nonsuit, or discontinued his suit of attaint taken for the same, or hath for the same verdict in a writ of attaint had iudgement against the said petite iurie) but onely þ they made true serement, which issue shalbe tried by xxiii. of the said graund iury, & the partie shal plead, that they gaue true verdict, or any other matter, which shalbe a sufficient barre of the said attaint. And that plee notwithstanding the graund iurie to be taken without delay, to enquire whether the first iurie gaue true verdict or no. And if they finde that the said petite iurie gaue an vntrue verdict, then euery of the said petite iurie to forfeit xx. li. whereof the one halfe shalbe to the king our soueraigne Lord, & the other halfe to the partie that sueth. And ouer that, that euery of the sayde petite iurie shall seuerally make fine & ransom by the discretion of þ Justices, before whom the said false serement shalbee found after their seueral offences, defaultes & sufficiency of euery of the said petite iurie. And after that, that those of the said petite iury so attainted shall neuer after be in any credence, nor their othe accepted in any court. And if such plee as þ partie pleadeth, which is a barre of the said Attaint be founde or deemed against him that so pleadeth, then the partie that so sueth shal haue iudgement to be restored to that he lost with his reasonable costes and dammages.

Forsewe alway that any vtlarie in action

action or cause personal, or excommungement
pleaded or alleaged in the party plaintife or
demaundat shal be taken but as a void plee, &
to that he shal not be put to answer. And
that in al the aforesaid processe such day shal
bee geuen as in a writte of Dowry, and noe
essoine or protection to lie nor to be allosed
in the same. And if the said grand iury ap=
peare not vpon the first distress had against
them, so that the iury for their default do re=
maine, he that maketh default shal forfeite
to the kinge twenty shillings, and vpon y=
second distress forty shillings, & after makig
default, for euery such default five pounde,
and like penalties and forfeitures to be a=
gainst them and euery of them that shal bee
named in the Tales, as is afoze expressed a=
gainst euery of the saide grand iury afoze=
saide. And that for and by the death of the
party or any of the saide petit iury, the saide
attaint shal not abate, nor be deferred agaisst
the remnant, as longe as two of the said pe=
tit iury be alieue.

And if hereafter any false verdict be geue
in any action, suit or demaunde, afoze anye
Justice or iudge of record, of any thing per=
sonall, as det, trespass, and other like, which
shalbe vnder the value of forty pound, that
then the party greued shal haue attaint, w
such proces and plees as is afoze reherfed, &
delaies to be taken awaye as is afoze reme=
bred: except that in this case of attainte
euery person of the graund iury that may
dispende

Attaint.

dispende v. markes by the yere of freeholde out of auncient demesne, or is worth an hundred markes of goods and cattails, shalbe able to passe in þe same attaint. And if þe petitt iurie be attainted, that then they shal in this case of attaint every of them forfait v. li. whereof one halfe shal be to þe kinge, & þe other halfe to the party, after the forme afore rehersed, & ouer þe to make fine & raunsome by þe discretiō of þe iustices, as is afore said.

And if there be not persons of such sufficiencie within the shire or place wher anye of the saide attaintes shal be taken, as may passe in the same; be it ordeined by þe auctorite abovesaide, that then one Tales shalbe awarded into the shire next adioining by the discretion of the Iustices, afore who the same attaintes shal be taken, which shal be warned to appere vpon like peines, as is afore said, and enabled to passe in the saide attaintes, as if they were dwelling in þe shire where the same attaint shalbe taken. And that the same lawes action and remedye ordeined by this present act, be kept for and to all them that shalbe greued by such vntreue verdicts of any inheritance, in discent, reuerſion, remainder, or of any freeholde in reuerſion or remainder. And if the party in attaint geuen by this act be nōsuit, or þe same discontinue, that the þe said party so nōsuit or so discōtinuinge þe said attaint, make fine & raunſō by þe discretiō of þe iustices afore who the said attaint shalbe taken & depending.

And

And that al attaintes hereafter to be taken, shalbe taken afoze the king in his bēch, or afoze the Iustices of the common place, & in none other Courts. And that Nisi prius shalbe graunted by discretion of the Iustices vpon the distress. And euery of the said petit Iurie may appeare and aunswere by attorney in the said attaint. And that the moity of the said forfaiture of the petit iury shalbe leuied to thuse of our soueraigne lord by Capias ad satisfaciendum, or Fieri facias, or Elegit, or by action of det, against euery person of the petit iurie so forfaiting, & against his executors and administrators, haupng then sufficient goodes of their said testatour not administred: and the other moitie shall by like proces be leuied to the vse of þ party that sueth any attaint geuen by this act, against euerie of the said petit iurie and his executors or administrators, haupng then sufficiency of goods as is aforesaid, not administred, and the iudgement of restitution to the partie greued suing this act and execution of the same to be had, and like iudgement for the partie defendand or tenaunt to be discharged of restitution, as afoze this present act in case of a graūd attaint had ben dōd. And if there be diuers plaintiffs or demandants in attaint, that the nonsuit or release of any of them shall not bee in any wise hurtful or prejudicial to þ residue, but that they & euery of them in such cases may be

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make fine
afoze who
ending.

And

Attaint.

be summoned and seuered lyke as it is vsed
whē there be dyuers demaundantes in ac-
tions reals.

¶ Be it also ordeyned and enacted by the
authoritey abovesaid, that in euery writ of
attaint hereafter to be take by or vpon this
act, the which shalbe such as other writtes
of attaint be, & after the Teste of the same
writ, shalbe written these wordes in latin,
Per statum continuat vsq; annum viceesimum ter-
cium domini Henrici octauī dei gratia Angliæ &
Franc' Regis, fidei defens. & domini Hiberniæ.

¶ And it is also enacted, that this act shal
take effect for verdictes hereafter to be ge-
uen and to continue to the last day of the
next Parliament.

¶ Prouyded alway, that this acte be not
preiudicial to a statute made in the xj. yere
of the late king of famous memorie Henry
the vij. for punishment of Periurie in vn-
true verdictes geuen in plaintes sued in the
Courtes of the Citie of London, but that
it shalbe at the libertie of al persons, for & vpon
any vnttrue verdict geuen in any courts
of the same citie, to sue their Attaint vpon
this estatute, or els vpon the said estatute
made in the said xj. yere at their owne plea-
sures and willes. **¶** See Anno 11. H. 7. ca. 21
Attaint 13.

¶ For Attaintes in London, Note that
this Statute is made perpetuall, Anno 13
Elizab. cap. 25.

¶ An

¶ An acte expressing an order for vses, and willes,
An. 27. H. 8. cap. 10. Vses 9.

VHere by the common lawes of this
Realme, landes, tenementes, & here=
ditaments, be not diuisable by testa=
ment, nor ought to be transferred from one
to another, but by solempne livery & seisin,
matter of recoꝛde, wꝛiting sufficient, made
bona fide, without couine or fraude, yet ne=
uerthelesse, dyuers and sundry imaginati=
ons, subtille inuentions and practises haue
ben vsed: wherby the hereditaments of this
realme haue ben conueted frō one to another
by fraudulent feoffementes, fines, recoveries
and other assurances craftely made, to secret
vses, intents, and trustes, and also by wills
and testaments, sometime made by nude pa=
roll and wooꝛdes, sometime by signes and
tokens, & sometime by wꝛiting, and for the
most part made by such persons as be bys=
ted with sickness in their extreame agonies
and paines, or at such time as they haue had
scantly any good memorie or remembrance,
at which times they being prouoked by gre=
die and couetous persons lying in a wayte
about thē, do many times dispose indiscret=
ly & vnadvisedly their landes and inheri=
tances: by reason whereof & by occasion of
which fraudulent feoffemētis, fines, recoue=
ries, & other like assurances to vses, cōfiden=
ces & trustes, diuers & many heires haue ben
iniustly

Vses.

iniustly at sundry times disherited, the lordes
haue lost their wardes, mariages, reliefes,
harriots, escheates, aides pur faire fits chi-
ualer, & pur file marier, and scantly any per-
son can be certainly assured of any lands by
them purchased, nor known surely against
whom they shal vse their actions or execu-
tion for their rightes, titles, & duities. Also
men married haue lost their tenancy by the
curtesie, womē their dowres, manifest per-
turies, by trial of such secret willes & viles,
haue bene committed. The kinges highnesse
hath lost the profites and aduantages of
the landes of personnes attainted, and the
landes craftely put in fessement to the viles
of alyens bozne, and also the profites of
waste for a yeaere and a day, of landes of fe-
lons attainted, and the lordes their escheates
thereof, and many other inconueniences
haue happened and daily do encrease among
the kinges subiectes, to their great trouble
and inquietnes, to the vtter subuersion of
the auncient common lawes of this realme.
For the extirping and extinguisshment of al
such subtile practised feoffements, fines, re-
coueries, abuses and errours, heretofore
viled and accustomed in this Realme, to the
subuersion of the good and auncient lawes
of the same, and to the intent that the
kinges highnes, or any other his subiectes
of thys Realme, shall not in anye wyse
hereafter by any meanes or inuentions, be
deceyued, domaged, or hurted, by reason of
such

such trustes, bles, or confidences, it may please the Kinges most royal Maiestie, that it may be enacted by his highnes, by thasent of the Lordes spirituall and tempozal, and the commons in this pzeset parliament assembled, and by ancthoritie of the same, in maner and fourme folloswing, that is to say, that where any person or persons stande or be seised, or at any time hereafter shall happen to be seised, of & in any honours, castels, manors, lands, tenementes, rents, seruices, reuerfions, remainders, or other hereditaments, to the bse, confidence, or trust, of any other person or personnes, or of any bodie politique, by reason of any bargayne, sale, feoffement, fine, reconuerie, couenaunt, contract, agreement, will or otherwise, by any maner meanes whatsoeuer it bee, that in euery such case, all and euery suche personne and personnes, and bodies politique, that haue or hereafter shall haue any suche bse, confidence, or trust, in fee simple, fee taile for terme of life, or of yeares, or otherwise, or any bse, confidence, or trust in remainder or reuerter, shall from hencefozth stand and be seised, deemed, and adiudged in lawfull seison, estate, and possession, of, and in the same honours, castels, manors, landes, tenementes, rentes, seruices, reuerfions, remainders, and hereditamentes, with theyr appurtenances, to all intentes, constructi- ons, and purposes in the lawe, of and in such lyke estates, as they had or shall haue in bse

Vses.

in vse, trust, or confidence, of, or in the same. And that the estate, title, right, & possession that was in such person or persons, & were or hereafter shalbe seised of any lands, tenements, or hereditamentes, to the vse, confidence or trust of any such person or persons or of any bodie polityke, be from henceforth clerely deemed and adiudged, to be in him or them that haue or hereafter shall haue such vse, confidence, or trust, after such qualitle, maner, forme, and condicion, as they had before, in or to the vse, confidence, or trust that was in them.

And be it further enacted by the authoritie aforesaid, that where diuers and many persons, be or hereafter shall happen to be iointly seised, of & in any lands, tenements, rents, reuerfions, remainders, or other hereditamentes, to the vse, confidence, or trust of any of them, that be so iointly seised, that in euery such case, that those person or persons, which haue or hereafter shal haue, any such vses, confidence, or trust, in any suche landes, tenementes, rentes, reuerfions, remainders, or hereditamentes, shall frō hence forth, haue & be deemed & adiudged to haue onely to him or them, that haue or hereafter shall haue such vse, confidence, or trust, such estate, possession, and seysyn, of and in the same landes, tenements, rentes, reuerfions, remaynders, or other hereditamentes, in lyke nature, maner, forme, condicion, and course, as he or they had before in the vse, confidence

confidence or trust of the same landes, tenements, or hereditaments. Saving, and reserving to all and singular persons and bodies politike, their heires and successours, other then those person or persons, which be sealed or hereafter shalbe sealed of any lands tenements or hereditaments to any vse, confidence or trust, al such right, title, entrie, interest, possession, rents and action, as they or any of them had or might have had before the making of this acte.

¶ And also saving to all and singular those persons, and to their heires, which be or hereafter shalbe sealed, to any vse, al such former right, title, entrie, interest, possessions, rents, customes, seruices, and action, as they or any of them might have had to his or their own proper vse, in or to any manours, landes, tenements, rentes, or hereditaments, wherof they be or hereafter shalbe sealed to any other vse, as if this present act had neuer bene had or made, any thing contained in this acte to the contrarie notwithstanding.

¶ And where also diuers persons stand and be sealed of, and in any landes, tenements, or hereditaments, in fee simple, or other wise to the vse or intet that some other person or persons, shal haue and perceiue yerely to the and to his or their heires one annual rent, of tenne poundes or more or lesse out of the same landes and tenements, and some other person one other annual rent to him & his assignes for terme of life, or yeres, or for

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some

Vses.

Some other speciall time, accordinge to such intent and vse, as hath bene heretofore declared, limited, and made thereof. Be it therefore enacted by the authoritie aforesaiden in euery such case, the same persons their heires, and assignes, that haue suche vse and interest, to haue and perceiue any such annual rents out of any lāds, tenementes, or hereditaments, that they and euery of them their heires and assignes, bee adiudged and deemed to bee in possession and seisin of the same rent, of and in such like estate, as they had in the title, interest or vse of the saide rent, or profite, and as if a sufficient graunt or other lawfull conueiance had ben made & executed to them, by such as were or shall bee seised to the vse or intent of anye suche rent to be had, made, or paid, accordinge to the verie truste and intent thereof. And that all and euerye such person and persons as haue or hereafter shall haue any title, vse and interest, in or to any such rent or profit, shall lawfully distreine for none payment of the saide rēt, and in their owne names make aduowries, or by their Bailifes or seruants make cognisances & iustifications, and haue al other suits, entries, and remedies, for such rēts, as if the same rents had be actually & really graūted to them, wth sufficient clauses of distress, reentrie, or otherwise, accordinge to such cōditions, paines, or other thinges limited & appointed vppon the trust & intēt for payment of suerty of such rent.

And

And be it further enacted by the authoritie aforesaid, that wher as diuers persons haue purchased or haue estate made & conueied of and in diuers landes, tenementes & hereditaments vnto them & to their wiues and to the heires of the husbände, or to the husband & to the wife, and to the heires of their two bodies begottē, or to the heires of one of their bodies begotten, or to the husband and to the wife for term of their liues or for terme of life of y^e said wife. Or wher any such estate, or purchase of anie landes, tenementes, hereditamēts, hath bene or hereafter shalbe made to any husband and to his wife, in maner and fourme aboue expressed, or to any other person or persons, & to their heires and assignes, to the vse and behoofe, of the said husband and wife, or to the vse of the wife, as is befoze rehearsed, for the iointer of the wife: that then in euery such case, euery woman married, hauing such ioynter made or hereafter to be made, shal not claime nor haue title to haue any dower of the residue of the landes, tenementes or hereditaments, that at any time were her said husbands by whō she hath any such iointer, nor shall demaund nor claime her dower of and against them that haue the landes, and inheritances of her saide husbände. But if she haue no such iointer, then she shall bee admitted and inhabled to pursue, haue and demaunde her dower by writte of dower, after the due course and order of the common lawes of

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of this realme: this act or any lawe or provision made to the contrarie thereof notwithstanding.

Provided alsway, that if any such woman be lawfully expelled or evicted from her said iointer, or from any part thereof, without any fraude or couine, by lawfull entte, action or by discontinuance of her husbände, then euery such woman shal be endowwed of as much of the residue of her husbandes tenementes, or hereditamentes, whereof she was befoze dowable, as yf same landes and tenementes, so evicted and expelled, shall amount or extend vnto.

Provided also, that this acte or any thing therein cōtained or expressed, extēd not nor be in any wise hurtful or preiudicial to any woman or women, heretofore being married, of for or cōcerning such right, title, vse interest or possession, as they or any of them haue claime or pretende to haue for her or their iointer or dower, of, in or to anie manours, landes, tenementes, or other hereditamentes, of any of their late husbandes, being now dead or deceased, any thing contained in this act to the contrarie notwithstanding.

Provided also, that if any wife haue or hereafter shal haue any manours, landes, tenementes, or hereditaments, vnto her geue or assured after marriage, for terme of her life, or otherwise in iointer, except the same assurance bee to her made by acte of parliament,

ment, and the said wife after that fortune to
ouer live the same her husbände, in whose
time the saide iointer was made or assured
vnto her, that then the same wife, so ouerli-
ning, shal and may at her libertie, after the
death of her said husband, refuse to haue &
take the landes, and tenementes, so to her
geuen, appointed or assured, during the co-
uerture, for terme of her life or otherwise in
iointer: except the same assurance be to her
made by acte of parliament, as is aforesaide,
and thereupon to haue, aske, demaunde and
take her dower, by writ of dower, or other-
wise, according to the common lawe, of and
in all such landes, tenements, and heredita-
mentes, as her husbände was and stode sei-
sed of any state of inheritance, at anie time
during the couerture, anie thing contayned
in this act to the contrarie in any wise not-
withstanding.

¶ Provided also that this present acte nor
any thing therein contained, extende, nor bee
at any time hereafter interpreted, expounded
or taken, to extinct, release, discharge or sus-
pend, any statute, recognisance, or other bod
by the execution of any estate, of, or in anye
landes, tenementes, or hereditamentes,
by the authority of this act, to any persō or
persons, or bodies politique, any thing co-
tained in this act to the cōtrarie therof not-
withstanding.

¶ And forasmuch as great ambiguities &
doubts may arise of y^e validity & inualidity

¶.ij.

of

Vses.

of willes heretofore made of any landes, tenements, and hereditamentes, to the great trouble of the kinges subiectes: the kinges most royal maiestie minding the tranquillity and rest of his louing subiectes, of his most excellent and accustomed goodnes is pleased and contented, that it be enacted by the authority of this present parliament, & all maner true and iust willes and testamentes, heretofore made, by any person or persons, deceased, or that shall decease, before the first day of May, that shalbe in the yeare of our lord god M. v. C. xxxvi. of anie landes, tenements, or other hereditamentes, shall be taken and accepted good and effectuell in the lawe, after such fashion, maner and forme, as they were commonly taken & vsed, at any time within forty yerres next before the making of this act, any thing contained in this act, or in the preamble thereof, or anie opinion of the common lawe to the contrarie thereof notwithstanding.

Provided alwaies, that the kings highnes, shall not haue, demaunde, or take anie aduantage or profite, for or by occasion of the executing of anie estate onelye by authority of this acte, to any personne or persons, or bodie politique, which now haue, or on this side the saide first daye of Maye, which shall bee in the yeare of our Lorde god. M. v. C. xxxvi. shall haue anie vse or vles, trustes, or confidences, in anie manours, landes, tenementes, or hereditamentes

mentes, holden of the kinges highnes, by reason of primer seyson, liuerie, ouster le maine, fine for alienation, reliefe, or harriot but that fines for alienations, reliefes, and harriottes, shal bee paide to the kinges highnesse. And also liueries and ouster le mains shal be sued for vses, trustes, and confidences to bee made and executed in possession, by authoritie of this acte, after and from the saide firste daye of Maye, of landes, and tenementes and other hereditamentes holden of the king in such like manner and fourme, to all intentes, considerations, and purposes as hath heretofore bene vsed or accustomed by the order of the laws of this realm.

¶ Provided also, that no other person or persons or bodies politique, of whom anie lands, tenements, or hereditaments be or hereafter shal be holden, mediate or immediate, shal in any wise demand or take, anie fine, reliefe, or harriot, for or by occasion of the executing of any estate by the authoritie of this acte to any person or persons, or bodies politique, before the said first day of May, which shal be in the yere of our Lord God 1536.

¶ And be it enacted by authority aforesaid that all and singular person and persons, & bodies politique, which at any time on this side the said first day of May which shal be in the yere of our lord god 1536. shall haue anie estate vnto them executed, of and in anye landes, tenementes, or hereditamentes, by the authoritie of this acte, shall

C. liij. and

and may haue and take the same or like advantage, benefite, voucher, aide prayer, remedy, commodity and profite, by action entrie, condition or otherwise, to all intents constructions or purposes, as the person or persons seiled to their vse, of, or, in any such landes, tenements, or hereditaments, so executed, had, should, might or ought to haue had, at the time of the execution of the estate thereof, by the authority of this act, against any other person or persons, of, or for any waste, disseisin, trespass, condition broken, or any other offence, cause, or thinge concerning or touching the saide landes or tenements so executed by the authority of this act.

Provided also, and be it enacted by the authority aforesaid, that actions now depending against any person or persons, seiled of or in any landes, tenements, or hereditaments, to any vse, trust or confidence, shal not abate ne be discharged for or by reason of executing of any estate thereof by authority of this act, before the saide first day of May which shal be in the yeare of our lord God 1536. any thinge contained in this act to the contrary notwithstanding.

Provided also, that this act nor any thinge therein contained, shal not be prejudicial to the kinges highnes, for wardships of heirs now beinge within age, nor for purties, or for suffer le maine, to be sued by any person or persons now beinge within age, or full age, of any landes or tenements
unto

vnto the same heire oz heires now alreadye
descended, any thinge in this acte contained
to the contrary notwithstanding.

¶ Provided also, and be it enacted by the
authorizty aforesaid, that all and singuler
recognisances heretofore knowledged, take
oz made, to the kinges vse, for oz concerning
any recoveries of any landes, tenements oz
hereditaments, heretofore vsed oz had, by
writ oz writts of entre vpon disseisin in le
post, shal from hence forth be vtterly voide,
and of none effect to all intents, constructi-
ons, and purposes.

¶ Provided also, that this acte, nor anye
thinge therein contained, be in any wise pre-
iudiciall oz hurtful to any person oz persons
borne in Wales, oz the marches of the same
which shal haue any estate to them executed
by authorizty of this act, in any landes, tene-
ments, oz other hereditaments, within this
Realme, whereof any other person oz per-
sons now stand oz be seised, to the vse of a-
ny such person oz persons borne in Wales,
oz in the marches of the same: but that y^e saie
person oz persons borne in Wales oz in the
marches of the saie, shal oz may lawfully
haue reteinē oz kepe the same landes tene-
ments oz other hereditaments, wherof estate
shal be so vnto the executed by the authori-
ty of this act, according to y^e tenour of y^e saie,
any thinge in this act contained, oz any other
act oz prouision heretofore had oz made to y^e
contrary, notwithstanding.

An

Inrollements.

¶ An acte concerning Inrollements of bargaines and contractes of landes & tenements. an. 27. H. 8.
Cap. 16.

¶ Inrollementes. 2.



Be it enacted by the authoritie of this present parliamēt, that frō þ last day of July, which shalbe in the yere of our Lorde god 1536. no manours, landes, tenementes, or other hereditamentes, shall passe, alter, or change, from one to another, wherby any state of inheritance or freeholde, shalbe made or take effecte, in any person or persons, or any vse thereof to be made, by reason onely of any bargayne and sale thereof, excepte the same bargaine and sale be made by writing indented, sealed, and inrolled in one of the kings courts of recoorde at Westminster, or els within the same countie or counties where the same manours, landes, or tenementes, so bargayned and solde, lie or bee, before the Custos Rotulorum, and two Justices of the peace and the clerke of the peace of the same countie or counties, or two of them at the least, whereof the clerke of the peace to bee one: and the same enrollement to be had & made within sixe monethes next after the date of the same writings indented, the same custos Rotulorum, or Justices of the peace, and clerke

clerke, takinge for the enrolment of eue-
rye suche wrytinge indented befoze them,
where the land comprised in the same wry-
tinge excede not the verely value of foztye
s. two shillings, that is to say, xij. s. to the
Justices, and xij. s. to the clerke, and for the
inrolment of euerie such wrytinge indented
befoze them, wherin the land comprised ex-
cede the summe of xl. s. verely value v. s.
that is to say, ij. s. vi. d. to the said Justices,
and ij. s. vi. d. to the said clerke for the inrol-
ling of the same. And that the clerke of the
peace for the time being, within euerie such
countie, shall sufficiently inrolle & engrosse
in parchment the same deedes or wrytinges
indented, as is aforesaid, & the rolles there-
of at the ende of euery yere shal deliuer vnto
the Custos Rotulorum of the same countie
for the time being, there to remaine in the
custodie of the saide custos Rotulorum for
the time being, amongst other recordes of
euerie of the same counties, where any such
enrolmentes shall be so made, to the intent
that euerie party that hath to do therewith
may resorte & see the effect & tenour of eue-
ry such wrytinge so enrolled.

¶ Provided alwaies that this acte nor a-
ny thing therein contained, extēd not to any
maner lādes, tenemētes, or hereditamētes,
lying or being within any Citie, borough,
or towne corporate within this Realme,
wherein the Maiors, recorders, chamber-
lains, bailifes, or other offiē or officers have
autho-

Partition

authoritie or haue lawfully vsed, to enrolle any euidences, deedes, or other writings within their precincts or limitts, any thing in this act contained, to the contrary notwithstanding. † See after a statute made 34. H. 8. cap. 22. touchinge deedes enrolled in such Cities. &c. †

Partition

An act concerninge iointenants and tenants in common,

An 31. H. 8. cap. 1.

partitiō 3.



Enasmuch as by the common lawes of this Realme, diuers of the kinges subiects, beinge seised of manors, lādes, tenements and hereditaments, as iointenants, or as tenants in common, with other of any estate of inheritance, in their owne rights, or in the right of their wiues, by purchase, discēt, or otherwise, and euery of them so being iointenants or tenants in common, haue like right, title, interest, or possession in the same manors, lands, tenements, and hereditaments, for their parts and portions iointly or in common vndeuidedly together with other, and none of them by the law doth or may know their seueral partes or portions in the same or that that is his or theirs by it selfe vndeuided

uided: and cannot by the lawes of this realme otherwise occupie or take the profits of the same, or make any seizure, deuision, or partition thereof, without other of their mutuall assentes and consentes: by reason whereof diuers and many of them, being so iointly and vndeuidedly seised of the sayde manours, landes, tenementes, and hereditamentes, oftentimes of their peruers conceits and malicious mindes and willes, against all right, iustice, equitie, and good conscience, by strength and power, haue not only cut and fellen downe all the woodes and trees growing vpon the same, but also haue extirped subuerted pulled down, and destroyed all the houses, edifications, & buyldinges, meadowes, pastures, commons, & the whole commodities of the same, and haue taken & conuerted them to their owne vles, and behoues, to the open wronge and disherison, and against the mindes and willes of other, holding the same manours, landes, tenementes, and hereditaments, iointly or in common with them, and they haue bene allowed without assured remedy for the same. Be it therefore enacted by the king our most dread soueraigne lord, and by thassent of the lordes spirituall and temporall, and by the commons in this present parliament assembled, that all iointenantes, and tenantes in common that now be, or hereafter shall be, of any estate or estates of enheritaunce, in their owne rightes, or in the right of their

wiues

Particion.

Twines, of any manours, landes, tenementes, or hereditamentes, with in this Realme of England, Wales, or the marches of þe same shall and may bee coacted and compelled by vertue of this pꝛesent acte, to make partici- on betwene the, of al such manours, lands, tenements, and hereditaments, as they now holde, or hereafter shal hold, as iointenants or tenants in common, by writ De particio- ne facienda in that case to be deuised, in the king our soueraigne lordes court of chaun- cerie, in like maner & fourme as coperceners by the common lawes of this realme, haue bene and are compelled to do, and the same writ to be pursued at the common law.

¶ Provided alway and be it enacted, that euerie of the said iointenantes or tenants in common, and their heires, after such partici- on made, shall and may haue ayde of the oꝛ- ther, or of their heires, to the intent to de- reigne the warrauntie paramount, and to re- couer foꝛ the rate, as is vsed betwene coperc- eners after partition made by the oꝛder of the comō lawe, any thinge in this act, con- teined to the contrarpe notwithstanding.

¶ See after a statute made 32. H. 8.

cap. 32. touchinge partition
betwene tenants of
particuler es-
tates.

An act whereby religious houses are dissolved; & their lands are assured to the kinge. And how leases and graunts made of them shall take effect anno 31. H. 8. cap. 13.

Monasteries. II.

Where diuers and sundry abbots priors, abbeses, prioresses, and other ecclesiasticall gouerners, & gouernesses, of diuers monasteries, abbathies, priories, nunries, colleges, hospitals, houses of friers, & other religious, and ecclesiastical houses & places, in this our soueraigne lord the kings realme of England and Wales, of their owne free and voluntary mindes, good willes, and assents without constraint coactiō or compulsion of any manner of person or persons, the then the iij. day of February, the xxvj. yere of the raigne of our now most dread soueraigne lord, by the due order and course of the common lawes of this his Realme of England, and by their sufficient writings of Record, vnder their conent and common Seales, haue severallye geuen, graunted and by the same their writings severallye confirmed, al their said monasteries, abbathies, priories, nūries, colledges, hospitales, houses of friers, & other religious and ecclesiastical houses and places, and all theyr sites, circuits, & precincts, of p̄sē, & all and singular

Monasteries.

Singular their manours, lordships, granges, meases, landes, tenementes, medowes, pastures, rentes, reuerſions, seruices, woodes, tithes, pēſions, porcions, churches, chapels, aduowſons, patronages, annuities, rightes, entries, conditions, commons, leets, courts, liberties, pꝛiuiledges, and fraunchiſes, appertaining or in any wiſe belonging to any ſuch monaſtery, abbathie, pꝛioꝝ, nunꝛy, colledge, hoſpital, houſe of friers, and other religious and eccleſiaſtical houſes and places or to any of them, by what ſoever name or corporation they or any of them were then named or called, and of what order, habyte, religiō, or other kind of quality ſoever they or any of them then were reputed knowne or taken. To haue and to holde all the ſayde monaſteries, abbathies, pꝛioꝛies, nūꝛies, colledges, hoſpitales, houſes of friers, & other religious and eccleſiaſtical houſes and places, ſites, circuits, pꝛecinctes, manours, lāds, tenementes, meadowes, paſtures, rentes, reuerſions, ſeruices, and al other the pꝛemiſſes, to our ſaide ſoueraigne lord his heires and ſucceſſours for euer, and the ſame their ſaide monaſteries, abbathies, pꝛioꝛies, nunꝛies, colledges, hoſpitalles, houſes of friers, and other religious and eccleſiaſtical houſes and places, ſites, circuits, pꝛecinctes, manours, lordſhippes, graunges, meases, lāds, tenementes, medowes, paſtures, rentes, reuerſions, ſeruices, and other the pꝛemiſſes, voluntarily as is afoꝛeſayde, haue renounced

renounced, left, and forsaken, and every of them hath renounced, left and forsaken. We it therefore enacted by the king our soueraine & lord, and the lords spiritual & temporal, and the commons in this present parliament assembled, & by auctoritie of the same, that the king our soueraine lord shall haue, hold, possesse & enjoy to him, his heirs & successors for ever, all & singular such late monasteries, abbathies, priories, nūries, colleges, hospitals, houses of friers, & other religious & ecclesiastical houses and places, of what kindes, natures, qualities, or diuersities of habites, rules, professions or orders they or any of them were named, known or called, which 8th þ said iij. day of february, the xxvij. yeare of the raigne of our said soueraine & lord, haue bene dissolved, suppressed, renounced, relinquished, forsayted, geuen bp, or by any other meane come to his highnes, and by the same auctoritie & in like maner shall haue, holde, possesse, & enjoy all the sites, circuites, precindes, manours, lordships, graunges, meases, landes, tenements, meadowes, pastures, rentes, reuerfions, seruites, woodes, tithes, pensions, porcions, parsonages appropried, vicarages, churches, chapels, aduowfons, nominatiōs, patronages, annuities, rightes, interestes, entries, conditions, & See 32. H. 8. ca. 34. & cōmons, leetes, conrts, liberties, priuileges, franchises, and other whatsoener hereditaments, which apperteyned or belonged, to

Al. j.

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Monasteries. M

the said late monasteries, abbathies, priories, nunries, colleges, hospitalls, houses of fryers, & other religious or ecclesiastical houses and places, or to any of them, in as large and ample maner and fourme, as the late abbots, priors, abbesses, prioresses, and other ecclesiasticall gouernours and gouernesses, of such late monasteries, abbathies, priories, nunries, colleges, hospitalls, houses of friers, & other religious and ecclesiastical houses & places, had, helde, or occupied, or of right ought to haue had, holde, or occupied, in the right of theit saide late monasteries, abbathies, priories, nunries, colleges, hospitalls, houses of friers, or other religious or ecclesiastical houses or places, at the time of the said dissolution, suppression, renouncing, relinquishing, forfaiting, gyuing vp, or by any other maner of meane comming of the same to the kinges highnes, vthen the iij. day of Februarie aboue specified.

And it is further enacted by the authoritie abovesaid, that not onely all the saide late monasteries, abbathies, priories, nunries, colleges, hospitalls, houses of friers, and other religious and ecclesiastical houses and places, sites, circuites, precinctes, manours, lordshippes, graunges, meases, landes, tenementes, meadowes, pastures, rentes, reuerfions, seruices, and all other the premisses, forthwith immediatly and presently, but also al other monasteries, abbathies, priories, nunries, colleges, hospitals,

pitale, houses of friers, and all other religious and ecclesiastical houses and places, which hereafter shal happen to be dissolved, suppressed, renounced, relinquished, forfeited, geuen vp, or by any other meane come vnto the kings highnes, & also all the sites, circuites, p̄cinctes, manors, lordshippes, granges, meases, landes, tenementes, meadowes, pastures, rentes, reuerſions, seruyces, woodes, tythes, pensions, porcions, parsonages appropriate, vicarages, churches, chappels, aduowsons, nominations, patronages, annuities, rights, interests, entries, condicions, commons, leetes, courtes, liberties, p̄uileges, franchises, and other hereditamentes whatsoeuer they be, belonging or appertaining to the same, or any of them, whensoever & as soone as they shalbe dissolved, suppressed, renounced, relinquished, forfeited, geuen vp, or by any other meane come vnto the kings highnes, shalbe vested, deemed, & adiudged, by authoritie of thys present parliament, in the verie actual & real seison and possession of the kinge our sones raigne & lord, his heires and successors forever, in the state and condicion as they now be, and as though all the said late monasteries, abbathies, p̄uories, nunries, colledges, hospitals, houses of friers, and al other religious and ecclesiastical houses & places, so dissolved, suppressed, renounced, relinquished forfeited, geue vp, or cōe to y^e kings highnes as is aforesaid, as also the said monasteries,

¶.ij.

abbas

Monasteries.

abbathies, priories, nunries, colledges, hospitals, houses of friers, and other religious & ecclesiastical houses & places, which hereafter shall happen to be dissolved, suppressed, renounced, relinquished, forfeited, given by or come unto the kinges highnes, titles, courtes, precinctes, manors, lordships, granges, landes, tenements, & other the premises, whatsoener they be, & enery of the were in this present act specially & particularly rehearsed, named, and expressed by expresse wordes, names, titles, and faculties, and in their natures, kinds, and qualities.

And be it also enacted by thauthoritic aforesaid, that all the said late monasteries, abbaties, priories, nunries, colledges, hospitals, houses of friers, & other religious & ecclesiastical houses & places which ben dissolved, suppressed, renounced, relinquished, given by, or come to the kinges highnes, by any manner of meanes, as is aforesaid, and al the manors, lordships, granges, landes, tenementes, and other the premises, (except such thereof as be comen to the kings hands by attainder or attainders of Treason) and al the said monasteries, abbaties, priories, nurries, colleges, hospitals, houses of friers & other religious & ecclesiasticall houses or places, which hereafter shall happen to be dissolved, suppressed, renounced, relinquished, forfeited, given by, or come unto the kinges highnes, & al the manors, lordships, granges, lands, tenementes, meadowes, pastures, rents, reuer-

reuerſions, ſeruices, ſwoods, tithes, porcions,
penſions, parſonages appropriat, vicarages,
churches, chapels, aduocates, nominations,
patronages, annuities, rightes, intereſtes,
entries, conditions, commons, leetes, courts,
liberties, priuiledges, franchiſes, and other
hereditaments whatſoener they be, belon-
ging to y^e ſame, or to any of them (except ſuch
therof, which ſhal happen to come to y^e kings
highnes, by attainder or attainders of trea-
ſon) ſhal be in the order, ſurvey, & gouernace
of our ſaid ſoueraigne Lord the kings court
of Augmentacions of the reuenues of his
crowne, & of the chauncelloz, officers, and
miniſters of the ſame. And al the ſermes, iſ-
ſues, reuenues, & proſits, coming & grow-
ing of the premies, & of every part thereof,
(except before excepted) ſhal be ordered, take
and receyued to the kings uſe by the ſaide
Chauncelloz, miniſters, and officers of the
ſame Court, in ſuch and like maner & forme
as the monaſteries, priories, ſtes, ciuities,
manors, graunges, meaſes, lands, tenemen-
tes, rentes, reuerſions, ſeruices, tithes, pen-
ſions, porcions, aduocates, patronages,
rightes, entries, conditions, and other here-
ditaments, late apperſeining or belonging
vnto the monaſteries, abbathies, priories, or
other religious houſes, late by auctoritie
of parliament ſuppreſſed, & videlicet 27. H. 8.
vi. patet, but in Raſtalls collect Monasteries 9. &
bene ordered, ſurveyed & gouerned. Sauing
to al and every perſon and perſons, & bodies

A. ij.

politike

Monasteries.

politike, & their heires and successors, and the heires & successors of all & euery of them other then the said late abbots, priors, abbes, prioresses, and other ecclesiastical gouernors & gouernesses, of the said late monasteries, abbathies, priories, nūtries, colleges, hospitals, houses of friers, & other religious & ecclesiastical houses & places, and their successors, & the successors of euery of them, & such as pretende to be founders, patrons, or donors of such monasteries, abbathies, priories, nūtries, colleges, hospitals, houses of friers, and other ecclesiastical houses and places, or of any manors, messuages, lands, tenements, or other hereditaments, belonging to the same, or to any of them, their heires & successors, & the heires & successors of euery such founder, patron, or donor: and the now abbots, priors, abbes, prioresses, & other ecclesiastical gouernors & gouernesses of such monasteries, abbathies, priories, nūtries, colleges, hospitals, houses of friers, and other religious & ecclesiastical houses & places, which hereafter shal happen to be dissolved, suppressed, renounced, relinquished, forfeited, geuen by or come to the kinges highnes, and such as pretend to be founders, patrons, or donors, of such monasteries, abbathies, priories, nūtries, colleges, hospitals, houses of friers, & other ecclesiastical houses and places, or of any manors, messuages, lands, tenements, or other hereditaments to the same belonging

ging, or to any of them their heires and successors, and the heires and successors of enery of them) all such right, title, claime, interest, possession, rentes charges, annuities, leases termes, offices, fees, liveryes, and poyntinges, portions, pensions, cozodles, commons, synodes, pories, and other profits, which they or anye of them haue claime, ought, may, or might haue had, in or to the premises, or to any part or parcel thereof, in such like maner, forme, and condition, to all intentes, respectes, constructions & purposes, as if this acte had neuer ben had ne made (rentes seruices, rents seck, & al other seruices and suites onely except.)

¶ Provided alwayes and be it enacted by the auctoritie abovesaide, that if any late abbot, prior, prioress, abbess, or other ecclesiastical gouernor or gouernesse abovesaide, within one yere next befoze the dissolution, suppression, renouncing, relinquishing, forsaking, geuing vp, or comming to the kings highnes, of hys late monasterie, abbathie, priorie, nunrie, colledge, hospitall, house of friers, or other religious or ecclesiasticall house or place, hath made any lease or grāt, vnder his couēt or cōmon seal, or otherwise for terme of life, or for terme of yeres, of the site, circuit, & precinct, of his said late monastery, abbathie, priorie, nūrie, college, hospital, house of friers, or other religious or ecclesiastical house or place, or of any part thereof, or of any manors, mesuages, grāges, lāds

¶ liij.

tenes

Monasteries.

tenements, parsonages appropriate, tithes, pensions, portions, or other hereditaments, which belonged or appertained to hye saide late manastherie, abbathie, priorie, nunnie, collage, hospital, house of friers, or other religious or ecclesiastical house or place, which manors, mesuages, graunges, landes, tenements, parsonages appropriate, tithes, pensions, portions, or other hereditaments, were not before the same lease commonly vsed to be let nor let to ferme, but kept & reserved in the manurance, tillage or occupation of y^e said gouernour or gouernesse, for the maintenance of hospitalitie and good house keeping: or within one yere, as is abovesaide, hath made any lease or graunt for terme of life, or for terme of yeres, or of any manors, mesuages, lands, tenements, medowes, pastures, woods, parsonages appropriate, tithes, pensions, portions, churches, chappelles, or other hereditaments whatsoeuer they be, whereof, or in the which any estate or interest for terme of life, yere or yeaeres, at the time of the makinge of any such graunt or lease, then had his being or continuance, and then was not determined, finished, or expired: or within the time of one yere, as is abovesaid, hath made any lease or graunt for terme of life, or for terme of yeres, of any manors, mesuages, lands, tenements, medowes, pastures, woods, parsonages appropriate, tithes, pensions, portions, churches, chapells, or other hereditaments whatsoeuer they be, upon

upon the which leases & graunts, the vsual
and olde rentes & seruices, accustomed to be
yelden & reserved by the space of xx. yeres,
next before the first day of this present par-
liament, is & be not thereupon reserved and
holden. Or if any such governour or gover-
nesse hath made any bargaine or sale of hys
woods, within one yere, as is afore limited,
which woods be yet growing and standing:
that then all and every such lease, graunt,
bargaine & sale of woode or woodes, shalbe
utterly void and of none effect.

¶ And it is also enacted by auctoritie a-
foresaid, that all feoffments, fines, and re-
coveries, had, made, knowledged, or suffered,
by any governour or governesse, without the
kings licence under his great seale, within
one yere next before the dissolution, renoun-
cing, relinquishing, forfaiting, geving up,
or comming into the kings highnes, of hys
saide monastrie, abbathie, priorie, nunnrie,
colledge, hospitall, house of friers, or other
religious or ecclesiastical house or place, or
any manors, meases, landes, tenementes, or
other hereditamentes, whatsoever they be,
which the said late Abbot, Prior, abbelle,
prioress, and other ecclesiasticall governour
and governesse, or any of the, or any of their
predecessors had or helde, of the gift, graunt
or confirmation of our said soueraigne Lord
or any of hys highnes progenitors, or of
the which monasteries, abbathies, priories,
nunnries, colledges, hospitalles, houses of
friers,

Monasteries.

friers, or other religious or ecclesiastical houses or places, our said soueraigne Lord was founder or patron, or which manors, meases, lands, tenements, or other hereditaments, were of the auncient or olde foundation or possession of the said late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, or other religious or ecclesiastical houses or places, shalbe utterly boide and of none effect.

And it is further enacted by the authoritie abovesaide, that if any abbot, priour, abbesse, prioress, or other ecclesiastical gouernor or gouernesse, of any monasterie, abbathie, priory, nūrie, college, hospital, house of friers, or other religious or ecclesiastical house or place, which hereafter shal happen to be dissolued, suppressed, renounced, relinquished, forfeited, geuen vp, or come to the kings highnes, within one yere, next before the first day of thys present Parliament, haue made, or hereafter do make any lease or graunt, vnder his couent or common seale, or otherwise for terme of yeares, or lyfe or lyues, of the site, circuite and precinct of hys said monasterie, abbathie, priorie, nunrie, colledge, hospitall, house of friers, or other religious or ecclesiastical house or place, or of any part thereof, or any manors, mesuages, lands, tenements, parsonages appropiat, tithes, pensions, porcions, or hereditamentes belonging or apperteyning to his said monastery, abbathie, priorie

nūrie

nunnrie, colledge, hospital, house of friers, or
 other religious or ecclesiasticall house or
 place, which manours, meases, granges,
 landes, tenements, parsonages appropriate,
 tithes, pensions, porcions, and other heredi-
 tamentes whatsoeuer they be, were not be-
 fore the same lease, commonly vled to be let
 nor let to ferme, but kept and reserved in
 the manurance, tillage or occupation of the
 said gouernour or gouernesse, for the main-
 tenance of hospitalitie and good house kee-
 ping: or now be in the manurance, tillage,
 or occupation of the saide gouernour or go-
 uernesse, for the maintenance of hospitalitie
 & good house keeping, or within one yere next
 before the first day of this present parlia-
 ment, hath made, or hereafter shal make any
 lease or graunt for terme of life, or for terme
 yeres, of any manours, meases, landes, tene-
 mentes, meadowes, pastures, woodes, par-
 sonages appropriate, tithes, pensions, por-
 cions, churches, chapels, or other heredita-
 ments, whatsoeuer they be, whereof and in
 the which anye estate or interest for terme
 of lyfe, yere or yeres, at the time of the ma-
 king of any such graunt or lease, then had
 his being or continuance, or hereafter shal
 haue his being or continuance and that was
 not determined, finished or expired, or at the
 time of any such lease to be made, shall
 not bee determined, finished, or expired,
 or within one yere next before the first
 daye of this present Parlyament, hath
 made

Monasteries.

made or hereafter shall make any lease or graunt for term of life, or for terme of yeres of any manors, mesuages, lands, tenements, medowes, pastures, woodes, parsonages appropriate, tithes, pensions, portions, churches, chapels, or other hereditaments whatsoeuer they be, vpon the which leases & grauntes the vsual and olde rentes & termes, accustomed to be yelden & reserued by the space of xx. yeres, next before þe said first day of this present parliament, is or be not, or hereafter shal not be thereupon reserued & yelden: And if any such gouernour or gouernesse, of any such monasterie, abbathie, priorie, nunrie, colledge, hospitall, house of friers, or other religious or ecclesiasticall house or place, which hereafter shal happen to be dissolved, suppressed, renounced, relinquished, forfeited geuen by, or come to the kinges highnes, in in one yere next before the first day of this present parliament, hath made, or hereafter shal make any bargain or sale of his woods, which woods be yet growing and standing: that then at & euery such lease, graunt, bargain, & sale of wood or woodes, shalbe utterly void and of none effect.

And it is also enacted by thauthoritie aforesaide, that all feoffments, fines, & recoveries, had, made, knowledged or suffered, within one yere next before the first day of this present parliament, or hereafter to be had made, knowledged or suffered, by any gouernour or gouernesse, of any monasterie, abbathie,

thie, priozie, nunnry, colledge, hospital, house
of friers, or other religions or ecclesiasticall
house or place, which hereafter shal happen
to be dissolued, suppressed, renounced, relin-
quished, forfeited, geuen by or come to the
kings highnes, without the kings licence
vnder his great seale, of any manors, mea-
ses, landes, tenementes, or other hereditamētis
whatsoever they be, which the said abbots,
priors, abbeses, prioresses, and other ecclesi-
asticall gouernours and gouernesses, whiche
hereafter shal happen to be dissolued, sup-
pressed, relinquished, forfeited, geuen by or
come vnto the kings highnesse, as is afore-
said, or any of them, or any of their prede-
cessours had or helde, or haue and holde of
the gift, graunt, or confirmation of our said
soueraigne Lord, or of any of his highnes
progenitors, or of the which monasteries,
abbathies, priories, nunries, colledges, hos-
pitals, houses of friers, or other religious &
ecclesiastical houses and places, our sayde
soueraigne Lord is founder or patron, or
which manors, meases, landes, tenementes,
or other hereditamentes, were or be of the
auncient or olde foundation or possession of
the said monasteries, abbathies, priories, nu-
ries, colleges, hospitaies, houses of friers, or
other religions or ecclesiasticall houses or
places, shall bee utterly voyde and of none
effect.

¶ Provided alway, and be it enacted by
acthozitie abovesaide, that if any abbot,
prioz,

Monasteries.

prior, abbes, or priores, or other gouernor
or gouernesse abouesaid, within one yere
next befoze the first day of this presēt parli-
ament, or if any late abbot, prior, abbess,
prioress, or other late gouernor or gouer-
nesse abouesaid, within one yere next befoze any
such dissolution, suppression, renoucing, re-
linquishing, forfaiting, geuing by, or com-
ing to the kings highnes of the premisses, or of
any parcel therof, as is aforesaid, haue made
any demise, lease or graunt, to any person or
persons, for terme of yeres, of any manors,
meases, lands, tenements, parsonages appo-
priat, tithes, pensions, portions, or other he-
reditaments aforesaid, which person or per-
sons at the time of the said demise, lease, or
graunt, had & held by same to ferme for terme
of yeres then not expired: by then by said per-
son or persons to whom any such demise, lease
or graunt hath ben so made, shal haue & hold
the same for the terme of xxj. yeres only, fro
the time of the making of by said demise, lease
or graunt, if so many yeres be by by same de-
mise, lease, or graunt, specified, limited, & ex-
pressed, or els for so many yeres as in such
demise, lease, or graunt ben expressed, so by the
old rent be thereupon reserved, & so that the
same lease or leases exceede not xxj. yeres:
this act or any thing therein contained to the
contrarie notwithstanding. † See Plow. Com
fo. 106. and after Fulmerston & Stewardes case.

¶ Provided also, & be it enacted by thau-
thoritie abouesaid, that if any abbot, prior,
ab-

abbesse, prioress, or other late governour or
governess, within one yere next before any such
dissolution, suppression, denouncing, relin-
quishing, forfaiting, giving by or coming by
to the kings highnes, of þe premises, or of a-
ny parcel therof, as is aforesaid, have made
any demise, lease or graunt, to any person or
persōs, for terme of life or lives, of any ma-
nors, meases, landes, tenements, parsonages
appropriat, tithes, pensions, portions, or other
hereditaments aforesaid, which person or p-
sons, or any of the, at the time of þe said de-
mise, lease or graunt, had & held the same for
terme of life or lives, or for terme of yeres
then not expired: þe then the said person or
persōs, to whō any such lease or graunt hath
bē so made, shal have & hold þe same for term
of their life or lives, so þe the old rēt be there
upon reserved. This act or any other thing
therin contained to þe contrary therof notw-
standing. Provided also & be it enacted by
the auctorithy aforesaid, that all & singular
leases & grāts made by copie, to any person
or persons, of any of þe said mesuages, lāds,
tenements, parsonages appropriat, tithes, pē-
sions, portions, or other hereditaments afore-
said, for terme of life or lives, which by the
custome of the countrey hath ben bled to be
demised, letten, or graūted by copy of court
roll, shalbe good & effectual in þe law, so þe
old rēt be reserved, by & upon every such lease
& leases: this act or any thing therein cōtay-
ned to þe cōtrary in any wise notwithstanding.

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Monasteries.

¶ Provided alway, and be it further enacted by thauthority aforesaide, that all leases heretofore made, of any þ premises, by authority of our soneiraighe lord þ kings court of Augmentacions of the revenues of hys crowne, & al such leases, feoffements & wood sales, made by the said governors & governesses, or any of them, vnder their conent seales, or vnder the conent or comon seale of any of the, within one yere next before þ dissolution, suppressiõ, renoucing, relinquishing, forfaiting, geuing by or coming to þ kinges highnes, of the said monasteries, abbathies, priories, nūries, colleges, hospitals, houses of friers, or other religious and ecclesiastical houses or places, which said leases, graunts, feoffements, & wood sales haue ben examined, enrolled, decreed, or affirmed, in our said soneiraighe lord the kings Court of augmentacions, & the decree of þ same put in writing sealed with þ seal of the said court of augmentacions, shalbe good & effectual, according to þ same decree: any clause or act heretofore in this present act, to þ contrary notwithstanding.

¶ Provided alway & be it also further enacted by the aucthority abovesaid, that if any person or persons haue iustly & truly wout fraud or couin, paid or geuen any summe or summes of money to any þ said late governors or governesses, for the bargain & sale of any woods, being & growing in or vpon any manors, lands, tenements, or hereditaments, which appertained or beloged to þ said late monaste-

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monasteries, abbathies, priories, nuns, colleges, hospitals, houses of friers, or other religious or ecclesiastical places, or vnto any of the, which bargain & sale, by authority of this act, is made void & of none effect, & by meane thereof, his kings highness may haue & take the commoditie and profite of such woodes, so bargained and sold: that the the Chauncellour and other officers of our said soueraigne lord the kings court of Exchequer, or three of them, whereof the Chauncellor for the time being shal be one, of our said soueraigne Lord the kings treasure, remaining in the Treasorie of the same court, shal satisfie & recompence euery such person and persons, such summe of money or other recompence, as the same Chauncellour and officers, or three of them, whereof the said chauncellour shal be one, shal thinke meete and conuenient. And if any other person or persons, shal happen to take profite and commoditie, by reason of auoiding of such woode sales by authority of this act, that then euery person and persons which may or shal take such profite, shal be ordered for satisfactio to be made to the parties, that shal happen to be greued by this act, by the said chauncellour and other the officers of the same court.

Provided also, and be it further enacted by the authority abovesaid, that al and euery person and persons their heires and assigns, which within the said iiij. day of February,

Monasteries.

by charter, by licence, pardon, confirmation, release, assent, or consent of our said sovereign lord the king, under his great seal heretofore given had or made, or hereafter to be had or made, have obtained or purchased, by indenture, fine, feoffment, recovery, or otherwise, of the said late abbots, priors, abbesses, prioresses, or other governors or governesses of any such monasteries, abbathies, priories, nuns, colleges, hospitals, houses of friars, or other religious & ecclesiastical houses or places, any monasteries, priories, colleges, hospitals, manours, lands, tenements, meadows, pastures, woods, churches, chapels, parsonages, tithes, pensions, portions, or other hereditaments, shall have & enjoy the same, according to such writings and assurances, as bene thereof before the first day of this present parliament, or hereafter shall be had or made.

Saving to all & every person & persons, & bodies politike their heirs & successors: & to the heirs & successors of every of the, other the said late abbots, abbesses, priors, prioresses, & other governors & governesses, & their successors, & the successors of every of them, and such as pretend to be founders, patrons or donors of the said monasteries, abbathies, priories, nuns, colleges, hospitals, and other religious or ecclesiastical houses or places: or of any of them, or of any manours, mesuages, lands, tenements, or other hereditaments late belonging to the same, or to any of them, and their heirs, successors,

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successours, and the heires and successours of euery such founder, patrone or donour) al such right, title, interest, possessiō, rents, annuities, commodities, offices, fees, liueries, and liuinges, portions, pencions, corodies, synodes, priories and other profits, which they or any of them haue, ought or mought haue had, in or to any of the saide monasteries, abbathies, priories, colledges, hospitals, manours, lāds, tenements, rents, seruices, reuerfions, tithes, pensions, portions or other hereditamentes, at anye tyme before anye such purchase, indentures, fynes, feoffementes, reconeries, or other lawfull meane, betweene anye such parties, had or made, as abouesaid: this act or anye thinge therein contained to the contrarie notwithstanding.

¶ And, where our saide soueraigne Lorde with the fourth daye of Februarie, the saide xxvij. yere of the raigñ of our said soueraign lord, hath obtained and purchased aswel by exchaunges as by giftes, bargaines, fines, feoffementes, recoueries, deedes inrolled, & otherwise of diuers and sundrye persones, manye and diuers honours, castelles, manours, landes, tenementes, meadowes, pastures, woodes, rentes, reuerfions, seruices, and other hereditamentes, and hath not onelye payde diuers and sundrye great summes of money for the same: but also hath geuen and graunted for the same, vnto diuers, and sundrye persones,

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diuers

Monasteries.

diuers and sundry manours, landes, tenementes, and hereditamentes, and other recompences, in and for full satisfaction of al such honours, castels, manours, landes, tenementes, rentes, reuerfions, seruices, and other his hereditamentes, by his highnesse obtained or had, as is abovesaid: Be it therefore enacted by the authoritie abovesayde, that our saide soneraigne Lord the king, his heires and successors, shall haue, holde, possede and enioy, al such honours, castels, manours, landes, tenementes, and other hereditamentes, as his highnesse with the said iiij. day of Februarie, the xxvij. yere abovesaid, hath obtained and had by way of exchange, bargaine, purchase, or other what soeuer meane or meanes, according to the true meaning & intent of his highnesse bargaine, exchange or purchase, misrecital, misnaming, or no recital, or not naming of the said honours, castels, manours, landes, tenementes, and other hereditaments, comprised, or mentioned in the bargaines or writings, made betwene the kinges highnesse and any other partie or parties, or of the townes or countie, where the saide honours, castels, manours, landes, tenements, & hereditamentes lye and bene, or any other matter or cause whatsoeuer it be in any wise notwithstanding.

¶ Sauing to all and euerie person, and persons, and to their heires, bodies politike and corporate, and to their successors, and

to euerie of them (other then such person & personnes, & their heires, and their wiues, and the wiues of euerie of them, bodie polittike and corporate, and their successours and euerie of them, of whō the kinges highnes hath obtained, by exchange, gifte, bargain, fine, feoffment, reconeris, deede enrolled or otherwise, any such honours, castels, manours, landes, tenementes, and other hereditamentes, as is aforesaid) al such right, title, ble, interest, possession, rentes charges, annuities, comodities, fees, and other profits, (rentes seruices, and rentes secks onely except,) which they or any of them haue, might or ought to haue had, in or to the premises so obtayned and had, or in or to anye parcell therof, if this act had neuer bene had nor made, this present act or any thing therein contayned to the contrarie notwithstanding.

¶ And where it hath pleased the kinges highnes of his most abundant grace & goodness, aswell vpon diuers and sundry considerations his maiestie specially mouing, as also otherwise to haue bargained, sold, charged, or geuen and graunted by his graces seuerall letters patentes, indetures, or other writings, aswell vnder his highnes great scale, as vnder the scale of his highnes Duchie of Lancaster, and the scale of the office of the augmentations of his crowne, vnto diuers and sundrie of his louing and obedient subiectes, diuers and sundry honours,

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castels,

Monasteries.

castels, manours, monasteries; abbathies, priories, landes, tenementes, rentes, reuerſions, ſeruices, pſonages appropriated, aduowſons, liberties, tithes, oblations, porcions, pēcions, fraunchiſes, priuiledges, liberties, and other hereditaments; comodities and proſites, in fee ſimple, fee talle, for terme of life, or for terme of yeres. For auoiding of which ſaid letters patentes, and of the contentes of the ſame, diuers ſundry and manie ambiguities, doubts, and queſtions, might hereafter ariſe, be moued, & ſtirred, alſwell for miſrecital or nonrecital. as for diuers other matters, thinges, or cauſes to be alledged, objected, or inuented againſt the ſaid letters patents, as alſo for lacke of finding of offices or inquisitions; wherby by title of his highnes therein ought to haue bene found, before the makinge of the ſame letters patents, or for miſrecital, or nonrecital of leaſes, alſwell of recoorde as not of recoorde, or for lacke of the certaintie of the values, or by reaſon of miſnaming of the honours, caſtels, manours, monasteries, abbathies, priories, lands, tenementes, and other hereditaments, compriſed and mentioned within the ſame letters patentes, or of the towncs and counties, where the ſame honours, caſtelles, manours, monasteries, abbathies, priories, landes tenementes, rents, and other hereditamentes, lyen and bene, as for diuers and ſundrye other ſuggeſtions and ſurmises, which hereafter might, haue

pcn

pen to bee mooued, surmised, and procured, against the same letters patentes, all bee it the wordes in effecte contained in the sayde letters patentes bee according to the true intent and meaning of his most royall maiestie.

¶ Be it therefore enacted by the authoritie of this present parliament, that as well all and euerie the said letters patentes, indentures, or other writings and euerie of them, vnder the seale or seales abovesayde or anie of them, made or graunted by the kings highnes, within the sayde fourth day of february, the said xxvij. yere of his most noble raigne, as all and singular other his graces letters patents, indentures or other writings to be had, made or graunted to anie personne or personnes within thre yere next after the making of this present acte, of any honours, castels, manours, monasteries, abbathies, priories, nurries, colleges, hospitalz, housez of friers, or other religious or ecclesiastical housez, or placez, sitz, circuits, precincts, landes, tenementes personages, tithes, pensions, portions, aduowsons, nominations and all other hereditaments, & possessions, of what kinde, nature, or qualitie soeuer they bee, or by what soeuer name or names they or anye of them bee named, known or reputed, shall stand and bee good, effectuell, and auailable in the lawe of this Realme to all respects, purposes, constructions, & intentes,

¶.iiij.

against

Monasteries.

against his maiestie, his heires and successours, without any other licence, dispensation or tollerance, of the kings highnes his heires and successours, or of anye other person or persons whatsoener they be, for anye thing or thinges contained or hereafter to be contained in any such letters patents, indentures or other writings: any cause, consideration, or thing material, to the contrary in any wise notwithstanding.

Having to al and singular persons, bodies politique & corporate, their heires and successours, and the heires and successours, of euery of them (other thē his highnes his heires and successours, and the saide gouernours and gouernesses & their successours, donours, founders, and patron afozenamed and their heires and successours, & all other persons claiming in their rights, or to their vse, or in the right, or to the vse of anye of them) al such right, title, claim, interest, possession, reuerſion, remainder, offices, annuities, rent charges, and cōmons, which they or anie of them, haue, ought or mought haue had, in or to anie of the said honors, castels, manours, monasteries, abbathies, priories, landes, tenementes, & other hereditaments, in the said letters patents made, or hereafter to be made, comprised at any time before the making of the said or such letters patents. This act or any thing therein contained to the contrarie notwithstanding.

And where diuers and sundry abbots, priors,

priores, abbeles, prioresses, and other ecclesiastical governors, & gouernesses, of the saide late monasteries, abbathies, priores, nunries, colleges, hospitals, houses of friers, and other religious, and ecclesiastical houses & places, haue had, possessed, and enioyed diuers and sundry psonages, appropriated, tithes, pencionis, and portions, and also were acquitted and discharged of & for the payment or payments of tithes to be payde out or for their said monasteries, abbathies, priories, nunries, colleges, hospitals, houses of friers, & other religious & ecclesiastical houses and places, manours, mesuages, landes, tenementes, and hereditamentes: Be it therefore enacted by the authoritie abouesaid, that aswel the king our soueraigne lord, his heires & successors, as al & euery such persn & psons their heires & assignes which haue or hereafter shall haue any monasteries, abbathies, priories, nunries, colleges, hospitalz, housez of friers, or other ecclesiastical houses, or places, sites, circuits, precincts of the same, or of any of them, or any manors, mesuages, personages appropriated, tithes, pencionis, portions, or other hereditamentes whatsoeuer they be, which belonged or appertained, or which now belog or appertaine vnto the said monasteries, abbathies, priories, nunries, colleges, hospitals, houses of friers, or other religious and ecclesiastical houses or places, or vnto anye of them: shall haue, holde, retaine, keepe, and enioy

Monasteries.

enjoy, aswel the said personages, appropriate, tithes, penciōs, and porcions of the said monasteries, abbathies, priories, nunties, colledges, hospitals, houses of friers, & other religious and ecclesiasticall houses & places, sitcs, circuites, pzeindes, maners, meases, landes, tenementes, and other hereditamentes, what soeuer they bee, and euery of them, accozding to their estate and titles, discharged and acquitted of payment of tithes, as freely and in as large and ample maner, as the said late abbottes, priors, abbesses, prioresses, and other ecclesiastical gouernours, and gouernesses, or any of them had, helde, occupied, possessed, vsed, retained, or enjoyed the same, or any parcell thereof, at the daies of their dissolution, suppressiō, renoūcing, relinquishing, forfaiting, giuing by or comming to the kinges highnesse, of such monasteries, abbathies, priories, nunties, colledges, hospitals, houses of friers, or other religious or ecclesiastical houses or places, or at the day of the dissolution, suppressiō, renoūcing, relinquishing, giuing by or comming to the kinges highnesse of any of them: this act or any thing therein contained to the contrarie notwithstanding.

§ Anno 32. H. 8. ca. 7. §

¶ Hauing to the kinges highnes his heires and successours, all and all manner of rêtes, seruices, and other dueties, what so euer they bee, as if this acte had neuer bene had nor made.

¶ And

And be it further enacted by authozite of this present parliament, that such of the saide late monasteries, abbathies, priories, nunries, colleges, hospitals, houses of friers, and other religious, and ecclesiasticall houses & places, and all churches and chapels, to them or anye of them belonging, which befoze the dissolution, suppression, renouing, relinquishing, forfaiting, giuing by or comming vnto the kinges highnesse, were exempted from the visitation or visitations, and all other iurisdiction of the ordinarie or ordinaries, within whose diocesse they were situate or set, shal from henceforth be within the iurisdiction and visitation of the ordinarie or ordinaries, within whose diocesse they or any of the be situate and set, or within the iurisdiction and visitation of such person or persons, as by the kinges highnesse shall be limited or appointed: this act or any other exemption, libertie or iurisdiction to the contrary notwithstanding &c. **¶ A Confirmation of the duke of Northfolke his purchase of Shipden ten monasteries, and of the lord Cobhams purchase of Cobham chann-**

terie.

Willes.

¶ An acte how by the kinges graunt landes,
tenements &c. may be by will, testame
or otherwise disposed, & concer-
ning wardes & primer sei-
sons. 32. H. 8. Cap. I.

VVilles. 2.

VVhere the kinges most royall
maiestie, in al the time of his
moste gracious and noble
raigne, hath ever bene mer-
ciful, loning and benivolent,
& most gracious soueraigne Lord vnto all &
singuler his louing & obediēt subiectes, & by
many times past, hath not only shewed and
imparted to the generally, by his many & of-
ten great and beneficial pardons heretofore
by authorities of his parlamentes graun-
ted, but also by diuers other waies & meanes
many great & ample grauntes and benig-
nities, in such wise as al his said subiectes,
bene most bounden, to the uttermost of all
their powers and graces by them receiued
of God, to render & giue vnto his maiestie
their most humble reverence and obedient
thanks and seruices, with their dailye and
continuall prayer to almightie God, for the
continuall preservation of his moste royall
estate, in most kingly honour & prosperitie:
yet alwaies his maiestie being replete & en-
dowed by God, with grace, goodnes, and li-
berality, most tenderly considering that his
said

laide obedient and loving subiectes, can not
 vse or exercise the selues, according to their
 estates, degrees, faculties, and qualities, or
 to beare theselues in such wise as that they
 may conueniently keepe and mainteine their
 hospitalities and families, nor the good edu-
 cations and bringing vp of their lawfull ge-
 nerations, which in this Realme laide bee
 to God, is in al partes very great and abu-
 dante, but that in maner of necessitie, as by
 daily experience is manifested and knowne,
 they shall not be able of their proper goodes
 cattels and other mouable substance, to dis-
 charge their debts, and after their degrees
 set forth & aduance their children & poste-
 rities. Wherefore our said soueraigne Lord
 most vertuously consideringe the mortalitie
 that is to every person, at gods wil & plea-
 sure, most common and vncertayne, of his
 most blessed disposition and liberality, being
 willing to relieue and helpe his sayde sub-
 iects, in their said necessities and debility, is
 contented and pleased, that it be ordeined, &
 enacted by authoritie of this present par-
 liament, in maner & forme as hereafter fo-
 loweth, that is to say, that all and euery
 person and personnes, hauing, or which
 hereafter shall haue, any manours, landes,
 tenementes, or hereditamentes, holden in
 socage, or of the nature of socage tenure, and
 not hauing any manours, landes, tenemets,
 or hereditamentes, holden of the kinge
 our soueraigne Lord by knightes seruite, or
 by

Willes.

by socage tenure in chiefe, or of the nature of socage tenure in chiefe, nor of any other person or persons by knightes service, from the xx. day of July in the yere of our Lord God M. v. C. xli. shall haue full and free libertie, power, and auctoritie, to giue, dispose, will, and deuise, as wel by his last wil and testament in writing, or otherwise, by any acte or actes, lawfullie executed in his life, al his said manours, landes, tenements, or hereditamentes, or anye of them, at his free will and pleasur: any law, statute, or other thing, heretofore had, made or vsed to the contrarie notwithstanding.

And that all and euery person and persons, hauing manours, landes, tenements or hereditaments, holden of the king our soueraigne Lord his heires or successours in socage, or of the nature of socage tenure in chiefe, and hauing any other manours, lands, tenementes, or hereditamentes, holden of any other person or persons, in socage, or of the nature of socage tenure, and not hauing anye manours, landes tenementes, or hereditaments, holden of the king our soueraigne Lord, by knightes service, or of anye other lord or person by like service, from the xx. day of July in the said yere of our lord God M. v. C. and fortye, shall haue full and free liberty, power, and auctoritie, to geue, will, dispose, and deuise, as well by his last will or testament in writing, or otherwise, by anye acte or actes lawfullie executed in his

his life, all his saide manours, landes, tenementes, and hereditamentes, or any of them, at his free wil & pleasure, any law, statute, custome or other thinge, heretofore had, made or vled to the contrary notwithstanding Sauing alway and reseruing to the kinge our soueraigne Lorde his heires and successours, all his righte, title, and interest of primer seison, and reliefes, and also all other rightes, and dueties, for tenure in socage, or of the nature of socage tenure in chiefe, as heretofore hath bene vled and accustomed: the same manours, landes, tenementes, or hereditamentes, to bee taken, had and sued out of and from, the handes of his highnesse his heires and successours, by the person or personnes, to whom anye such manours, landes, tenementes, or hereditamentes, shall bee disposed, willed or deuised in such and like maner and fourme, as hath bene vled by any heire or heires before the making of this estatute.

And sauing and reseruing also, fines for alienations, of such manours, landes, tenementes, or hereditamentes, holden of the king our soueraigne Lorde, in socage or of the nature of socage tenure in chiefe, whereof there shall be any alteration of free holde or inheritance made by will or otherwise as is aforesaid.

And it is further enacted by authoritie aforesayde, that all and singular person and personnes, hauing anye manours, landes,

Willes.

by socage tenure in chiefe, or of the nature of socage tenure in chiefe, nor of any other person or persons by knightes service, from the xx. day of July in the yere of our Lorde God M. v. C. xli. shall haue full and free libertie, power, and auctoritie, to give, dispose, will, and deuise, as wel by his last wil and testament in writing, or otherwise, by any acte or actes, lawfullie executed in hys life, al his said manours, landes, tenements, or hereditamentes, or anye of them, at his free will and pleasur: any law, statute, or other thing, heretofore had, made or vsed to the contrarie notwithstanding.

And that all and euery person and persons, hauing manours, landes, tenements or hereditaments, holden of the king our Soueraigne Lord his heires or successours in socage, or of the nature of socage tenure in chiefe, and hauing any other manours, lands, tenementes, or hereditamentes, holden of any other person or persons, in socage, or of the nature of socage tenure, and not hauing anye manours, landes tenementes, or hereditaments, holden of the king our Soueraigne Lord, by knightes service, or of anye other lord or person by like service, from the xx. day of July in the said yere of our lord God M. v. C. and fortye, shall haue full and free liberty, power, and auctoritie, to geue, will, dispose, and deuise, as well by his last will or testament in writing, or otherwise, by anye acte or actes lawfullie executed in his

his life, all his saide manours, landes, tenementes, and hereditamentes, or any of them, at his free wil & pleasure, any law, statute, custome or other thinge, heretofore had, made or vled to the contrary notwithstanding. Sauing alway and reseruing to the kinge our soueraigne Lord his heires and successours, all his righte, title, and interest of primer seison, and reliefes, and also all other rightes, and dueties, for tenure in socage, or of the nature of socage tenure in chiefe, as heretofore hath bene vled and accustomed: the same manours, landes, tenementes, or hereditamentes, to bee taken, had and sued out of and from, the handes of his highnesse his heires and successours, by the person or personnes, to whom anye such manours, landes, tenementes, or hereditamentes, shall bee disposed, willed or deuised in such and like maner and fourme, as hath bene vled by any heire or heires before the making of this estatute.

¶ And sauing and reseruing also, fines for alienations, of such manours, landes, tenementes, or hereditamentes, holden of the king our soueraigne Lord, in socage or of the nature of socage tenure in chiefe, whereof there shall be any alteration of free holde or inheritance made by will or otherwise as is aforesaid.

¶ And it is further enacted by authoritie aforesayde, that all and singular person and personnes, hauing anye manours, landes,

Willes.

landes, tenementes, or hereditaments, of estate of inheritance, holden of the Kinges highnes in chiefe by knightes seruite, or of the nature of knightes seruite in chiefe from the said twentieth day of July, shal have full power & authorite by his last will by writing, or otherwise by any acte or actes lawfully executed in his life, to give, dispose, will, or assigne, two partes of the same manours, landes, tenementes, or hereditamentes, in three partes to be deuided, or els as much of the said manours, landes, tenementes, or hereditamentes, as shal extende or amount to the perely value of two partes of y same in three partes to bee deuided in certaynte, and by special diuisions, as it may be knowen in seueraltie, to and for the aduancement of his wife, preferment of his children, and paymēt of his debts, or otherwise at his wil and pleasure: any law, statute, custome or other thing, to the contrarie therof notwithstanding. Sauing and reseruing to the king our soueraigne Lord, the custodie, wardship and primer lease, or any of them, as the case shal require, of as much of the same manours landes, tenementes, or hereditamentes, as shal amount and extend to the ful and clere perely value of the third part therof, without any diminutiō, dowter, fraude, couine, charge or abridgement of any of the same third part or of the full profits thereof. Sauing also and reseruinge to the kinge our soueraigne Lorde, all fines for alienations, of all such manours,

manors, landes, tenementes, and hereditaments, holden of the king by knightes seruice in chiefe, wherof there shalbe any alteration of freeholde or inheritance, made by will or otherwise, as is abouesaid.

And be it enacted by aucthoritie aforesaid, that all and singular person & persons hauing manors, landes, tenementes, or hereditaments, of estate of inheritance, holden of the king in chiefe by knightes seruice, & hauing other manors, landes, tenementes, or hereditaments, holden of the king, or of any other person or persons by knightes seruice, or otherwise, every such person & persons, from the said xx. day of July, shal haue full power & aucthoritie, to geue, dispose, sell or assigne by his last will in writing, or otherwise, by any act or acts lawfully executed in his life, two partes of the same manors, lands, tenementes, or hereditaments, in three parts to be deuided, or els as much of the same manors, landes, tenementes, & hereditaments, as shall extende or amount to the yerely value of ij. partes of the same, in ij. partes to bee deuided in certieintie, & by special deuisions, as it may bee knowen in seueraltie, to & for the aduancement of his wife, preferment of his children, & payment of his debtes or otherwise, at his will and pleasure: any law, statute, custome, or other thing to the contrary thereof notwithstanding. Sauing alway & reseruing to h^e king our soueraigne Lorde, the custodie, ward-

Y. i.

Ship,

Vvilles.

Ship, and primer seisin, or any of them, as the
case shal require, of as much of the same ma-
nors, landes, tenementes, or other heredita-
ments, as shal amount & extend to the full
& cleere perye value of the third part there-
of, without any maner diminution, dowry,
fraude, couine, charge, or subtraction of the
same third part, or of the full profits therof.
Sauing alway and reseruing to our sayde
soueraigne Lord the king, all fines for alie-
nations, of al such manors, landes, tenementes
or hereditamētis, holdē of y^e king by knights
seruice in chiefe, whereof there shalbee any
alteration of freehold or inheritance, made
by will or otherwise, as is abouesaid.

¶ Be it further enacted by the authori-
tie abouesaid, that if any person or persons
holde manours, landes, tenementes, or here-
ditamentes onely of any other Lord or per-
son then of the kinge our sayde soueraigne
Lord by knightes seruice, and other landes
and tenementes in socage, or of the nature of
socage tenure: that then euery such person
shall or may geue, dispose, or assure by his
last will or otherwise, by any acte or actes
lawfully executed in his life, two partes
of the saide manours, landes, and tene-
mentes holden by knightes seruice, or of as
much thereof as shal amount to the full
pearely value of two partes, in maner and
fourme as is aboue declared. And also all
the landes and tenementes holden by so-
cage, or of the nature of socage tenure, at
his

his will and pleasure, as is aboue written. Saving and reserving to the Lord of the landes and tenementes holden by knightes service, for his custodie and wardshippe, as much of the same landes and tenementes, as shall extende or amount to the full and clere perely value of the thirde part of the same landes and tenementes holden by knightes service, wout any diminution, dowber, fraud, couin, charge, or subtraction of any porcion of that thirde part, or of y clere perely value thereof, in maner & forme aforesaid.

And be it further enacted by the authoritie abouesaid, that if any person or persons holde any manors, landes, tenementes, or hereditaments, onely of the king our soueraigne Lord by knightes service, and not in chiefe, or holde any manours, landes, tenementes or hereditaments, of our saide soueraigne Lord by knightes service, and not in chiefe, and also holde other manors, landes, tenementes, and other hereditaments of any other person or persons by knightes service, and also holde other manors, landes, tenementes, or hereditaments of any other person or persons in socage, or of the nature of socage tenure: y then al & euery such pson & persons, shal & may geue, dispose, wil, deuise & assure, by his last wil or otherwise, by any act or acts lawfully done & executed in his life, two parts of the same manors, lads, tenementes, & hereditaments, holden of our said soueraigne Lord the king by knightes service

VVilles.

seruice, & two parts of the manors, landes, tenements & hereditaments, holden of any other person or persons by knights seruice, or asmuch of either of them as shal amount to the full yerely value of two parts, in manner and forme as is aboue declared: & also of all his lands and tenements so holden in socage, or of the nature of socage tenure at his free will and pleasure. Sauing & reseruing to the kinges highnes, the custodie & wardship of as much of the same manours, landes, tenements, or other hereditaments, as shal extende and amount to the full and clere yerely value of the thirde part of the said manors, landes, tenements, and hereditaments so holden of his highnes by knights seruice, without any deminution, dowter, fraud, couin, charge, and subtraction of any porcion of that thirde part, or of the full partes therof. And also sauing and reseruing to the lordes of whom any of the said manors, landes, tenementes, or other hereditaments, ben holden by knightes seruice, for custodie and wardship, as much of the same manors, landes, tenementes, or hereditamentes holden of them or any of them, by knightes seruice, as shal extende & amount to the full and clere yeaerly value of the thirde part of the same, without any diminution, charge, fraude, couin, or subtraction of any porcion of that thirde, or of the clere yeaerly value of the thirde part thereof, in manner and forme aboue declared.

¶ Provided alway, & it is further enacted
 by the aucthoritie aforesaid, that if that iij.
 part of the manors, landes, tenementes, or
 hereditaments, of any of the kings subiects,
 which in any of the cases abovesaide, shall
 hereafter come to the kinges highnes, bys
 heires or successors, by vertue of this act, as
 is abovesaide, be not, or do not amount to
 the clere yereley value of the thirde part of
 all the said manors, landes, tenementes, or
 other hereditaments, wherof the kinges high-
 nes, is or shalbe intituled to haue the custody
 or primer seisin, as is abovesaid: that then
 our said soueraigne Lord & his heires shal &
 may at his or their free libertie & pleasure
 take into his or their hands & possession, as
 much of the other two parts of the said ma-
 nors, landes, tenementes, and other heredita-
 ments, as with that of the same manours,
 landes, tenementes, or hereditaments holden,
 remaining in the kinges hands, shal make by
 the clere yereley value of the full third part
 of the said manors, landes, and tenementes so
 to bee had to the kinges highnes in title of
 wardship & primer seisin, or any of them, as
 the case shal require, & like benefit & aduan-
 tage to be geuen to euery Lord & Lordes, of
 whom any such manors, landes, tenementes,
 or hereditaments bene or shalbe holden by
 knights seruice, as is abovesaid, concerning
 only his iij. part, of or for title of wardship,
¶ Provided alway, & be it further enacted by
 the aucthoritie aforesaid, that euery person

Y. iij.

and

VVilles.

and persons shal sue their liueries, for possessions, reuerſiōs, or remainders, & also pay reliefes & heriots, after such maner & forme as they should or ought to haue done, before the making of this act, & as if this acte had neuer ben made. And the fines for alienations, shal be paid in the kings chauncery, for & vpon writs of entre in the post, to be obtained in the same court of chauncery, after y^e said xx. day of July, for cōmon recoveries to be had or suffered of any manors, lands, tenementes, or hereditamentes, holden of the king in chiefe: in like maner & forme as is vbled vpon alienatiōs of such manors, lands tenemēts, or hereditamēts, so holdē in chief by fine or feoffment.

Provided also & be it enacted by the auctoritie aforesaid, that in such cases where fines for alienations shalbe paid in y^e kings Chancerie for writs of Entre in the Post, as is aforesaide; that then none other fine shalbe paid in the same Court for any such writs: any vblage or custome to the contrary thereof notwithstanding.

And be it further enacted by the auctoritie aforesaid, that where two or more persōs now hold, or hereafter shal hold, any manors, lands, tenemēts, or hereditaments, of the king our soueraigne Lord by knights service, iointly to thē, & to the heires of one of them, & he that hath the inheritance ther of dyeth, his heire being vnder age, y^e in every such case, the king shal haue the swarde and
marriage

marriage of the body of such heir so being wⁱⁿ age, the life of ^h freeholder or freeholders of the said manors, lands, tenements or hereditamentes so holden by knights service notwithstanding. Having & reserving to al & every woman & women, al & every such right, title & interest of dower, as they or any of them, owe to have, or be or shalbe iustly limited to have, claime, or demand, of any manors, landes, tenements, or hereditamentes, by the lawes of this realme, to be taken or assigned vnto them or any of them, out of the two parts of ^h said manors, lands, tenements, or hereditaments severed & divided from the third part as is abovesaid, & not otherwise. And saving also to the king our soueraigne Lord, his heires & successors the reuerfions of all such tenants in toyt tenure & dower, immediatly after the death of such tenants, if they shall happen to dye during the minozitie of the kings wardes.

¶ An acte for the limitation of Prescription,
Anno 32.H.8.cap.2.

¶ Limitation 3.

FOr asmuch as the time of limitation appointed for shewing of writtes of right, and other writtes of possession and seyson of mens auncestors or predecessors, or of their owne possession or seison, by the lawes & statutes of this Realme heretofore
Y. iiij. made

Limitation.

made, limited, & appointed þ viz. Merton ca. 8
VV. 1 ca. 39. VV. 2. ca. 2, & ca. 46. þ extend and
be of so farre & longe time past, that it is a-
bone the remembrance of any lyving man,
truely to trie & know the perfect certeyntie
of such things, as hath or shal come in trial,
or do extende vnto the tyme and tymes ly-
mitted by the said lawes & statutes, to the
great dāgers of men consciences, that haue
or shalbee impanelled in any Iurie for the
triall of the same. And also it is a great oc-
casion of much trouble, vexation, & suites to
the kinges louing subiectes, at the common
lawes of this realme, so þ no man although
he and his auncestors, & those whose estate
he or they haue, haue bene in peaceable pos-
session of a long seison, of & in lands, tene-
ments, & other hereditamēts, is or can be in
any suertie, quietnes or rest, of & in þ same,
without a good remedy and refozation be
had, made and prouided for the same. Be it
therfore enacted by the king our soueraigne
Lōrd, and the lordes spirituall & temporall,
and the commons in this present parliamēt
assembled, & by the aucthoritie of the same,
that no manner of person or persons, shall
from henceforth sue, haue, or mainteine any
wyit of right, or make any prescription, title
or claime, to or for any manors, lands, tene-
ments, rentes, annuities, commons, pens-
ons, porcions, corodies, or other heredita-
mentes, of the possession of his or their aun-
cestour or predecessour, & declare and alleg
any

any further seisin or possessiō of his or their auncestor or predecessor, but onely of the seisin or possession of his auncestor or predecessor which hath ben, or now is, or shalbe seised of the said manors, lands, tenements, rents, annuities, commons, pensions, portions, corodies, or other hereditaments, within thre score yerres next befoze the Teste of the same writ, or next befoze the saide prescription, title, or claime, so hereafter to be sued, commenced, brought, made, or had.

And bee it further enacted by the auctoritie abovesaid, that no maner of person nor personnes shall hereafter sue, haue, or maintaine any assise of Mortdancer, colluage, ayel, writ of entry vpon disseisin, done to anye of his auncestors or predecessors, or any other action possessary vpon the possession of any of his auncestors or predecessors, for any manors, landes, tenementes, or other hereditaments, of any further seisin or possession of hys or their auncestour or predecessor, but onely of the seisin or possession of his or their auncestor or predecessor, which was, or hereafter shalbe seased of the same manors, lands, tenements, or other hereditaments, within fifty yerres next befoze the Teste of the originall of the same writ hereafter to be brought.

And be it further enacted by the auctoritie aforesaid, that no person nor persons shal hereafter sue, haue, or maintein any action, for any manors, lāds, tenements, or other heredis

Limitation.

hereditaments, of or vpon his or their owne seison or possession therein, aboue xxx. yeres next befoze the Teste of the original of the same writ hereafter to be brought.

And be it also enacted by the aucthoritie aforesaid, that no persō or persons shal hereafter make any auowrie or recognisance for any rent, suit, or seruice, & alleage any seisin of any rent, suit or seruice in y^e same auowrie or recognisance, in the possession of hys or their auncestors or predecessors, or predecessors, or in his owne possession, or in the possession of any other whose estate he shall pretende or claime to haue, aboue xl. yeaeres next befoze the making of the said auowrie or cognisance.

And ouer that, be it enacted by the aucthoritie aforesaid, that all formedons in reuerter, formedons in remainder, & Scire facias vpon fines of any manors, lāds, tenements, or other hereditamēts, at any time hereafter to be sued, shalbe sued & taken wthin fiftie yeres, next after y^e title & cause of actiō fallē, & at no time after the said fiftie yeres passed.

And be it also enacted by aucthoritie aforesaid, that if any person or persōs at any time hereafter, do sue any of the said actiōs or writs, for any manors, landes, tenements, or other hereditaments, or make any auowrie, cognisance, prescription, title, or claime, of, or for any rent, suite, seruice, or other hereditamentes, & cannot proue that he or they, or his or their auncestors or predecessors,

deceffors, were in actuall poffeffion or feifin of & in the fame manors, lands, tenements, rents, fuites, feruices, annuities, commons, pencions, porcions, cozodies, or other hereditaments, at any time or times within the yeares befoze limited & appointed in thys prefent act, & in maner & forme as is aforefaid, if the fame be trauerfed or denied by þ party plaintiff, demandāt, or auowāt, or by the party tenant or defendāt: þ then & after fuch trial therein had, all & euery fuch perfon & perfons, & their heires, ſhal frō thēcefozth be vtterly barred for euer, of all & euery the faid wrytts, actions, auowries, cognifance, prefcription, title, and claime hereafter to be fued, had, or made, of & for the fame manors, lands, tenements, or hereditamētts, or other the premiffes, or any part of the fame, for the which the ſāe action, wryt, auowry, conifas prefcriptiō, title or claime, hereafter ſhalbe, at any time had, fued, or made & c. Certain prouifions for thoſe & their heires who had actions & c. depending or were then in age, couert baron, in priſon, or out of þ realme.

¶ Provided furthermore, that if any falſe verdict happen hereafter to be geuen or made in any of the faid actions, fuites, auowries, prefcriptions, titles, or claimes: that then the party gæued by reaſon of the ſame, ſhal and may haue his attaint vpon euery ſuch verdict geuen or made, and the plaintyfe in the ſame attaint vpon iudgement for him geuen, ſhal haue his recouerie, execution and

Executions.

and other aduantage in like maner & forme,
as heretofore hath bene vsed & accustomed:
any thing before in this act conteyned to the
contrarie notwithstanding.

¶ An acte for contentacion of debtes vpon
executions. Anno 32.H.8.cap.5.

Executions 10.

Wheras before this time diuers
& sundry persons haue sued exe-
cutions, aswel vpon iudgemētis
for them geuen of their debtes
or damages, as vpon such sta-
tutes Marchants, statutes of the Staple,
or recognisances, as haue ben to them before
made, recognised, & knowledged, & thereup-
pon such landes, tenementes, and other he-
reditamentes, as were lyable to the same
execution, haue bene by reasonable extent
to them deliuered in execution for the satis-
faction of their saide debtes and damages,
accorde to the lawes of thys Realme.
Neuerthelesse, it hath bene often tymes
seene, that such landes, tenementes, and
hereditamentes so deliuered and had in exe-
cution, haue bene recovered or lawfully de-
uested, take away or euicted from the pos-
session of the sayde recoverers, oblygers,
or recognisers, theyr executors or assignes,
before such time as they haue bene fully
satisfied and payed of theyr debtes and da-
mages, without any maner fraud, disceipt,
couin, collusion, or other default in the said
reco-

recoueries, obligees, or recognisances, their ex-
ecutors, & assignes, by reason wherof y^e said
recouers, obligees, & recognisances have ben
thereby set clerely without remedy, by any
maner suit of the law, to recouer or come by
any such part or parcel of their said debts &
damages, as was behind, & not by them le-
uied or receyued, before such time as the said
lands, tenements, & other hereditaments, so
by thē had in execution, were recouered law
fully deuested, taken or euicted out of & from
their possession, as is aforesaid, to their great
hurt & losse, and much seeming to be against
equal iustice and good conscience. For refoz-
mation whereof be it enacted by authoritie
of this present parliament, that if hereafter
any such lands, tenements, or hereditamēts
as be or shalbe had & deliuered to any person
or persons in executiō as is aforesaid, vpon
any iust & lawfull title, matter, condicion or
cause, where withal the said lāds, tenemēts
& hereditaments were lyable tied & bound,
at such time as they were deliuered & taken
into execution shal happen to be recouered,
lawfully deuested, taken, or euicted out of &
from the possession of any such person & per-
sons as now haue & hold, or hereafter shall
haue & hold y^e same in execution as is afoze-
said, wthout any fraud, disreit, couin, collusion
or other default of y^e said tenāt or tenants by
execution before such time as y^e said tenants
by execution their executors or assignes shal
haue fully & wholy leuied or receined y^e said
whole

Executions.

Whole debt & damages, for þ which the said lands, tenemēts, & other hereditamēts were deliuered & takē in execution, as is aforesaid: then every such recouerer, obligee, & recogniser, shall & may haue and pursue a writ of Scire facias out of the same court, frō whence the said former writ of execution did proceede, against such persō or persōs, as þ said writ of execution was first pursued, theire heires, executors, or assignes, of such lands, tenements or hereditaments, as were or ben thē liable or charged to þ said execution, returnable into þ same court, at a certain day, being ful xl. dayes after the date of the same writ. At which day if the defendant being lawfully warned make default, or appeare, & do not shew & plead a sufficient matter or cause, other then the acceptance of the sayd landes, tenements, & hereditaments, by the said former writ of executiō, to barre, auoid or discharge the said suit for the residue of þ said debt & damages, remaining vbleuied, or vnreceiued by the said former executiō: then the Lord Chaunceloz, or other such Justice or Justices, before whom such writ of Scire facias shalbe returnable, shal make eftsones a new writ or writs out of the said fourmer record of iudgement, statute marchant, statute staple, or recognisance, of lyke nature & effect, as the said former writ of execution was, for the leuying of the residue of al such debt & damage, as then shal appere to be vbleuied, vnsatisfied, or vnpaid of the whole
Summe

summe or summes in the said former writ of execution contained: Any law, custome, or other thing to the contrarie hereof heretofore vied, in any wise notwithstanding.

¶ An acte for the true payment of Tythes and offerings. Anno 32.H.8.cap.7.

¶ Tythes 8.

Where diuers and many persons inhabiting in sundry countie & places of this Realme, & other the kinges dominions, not regardinge their duities to almighty God, & to the king our soueraigne Lord, but in few yeres past more contemptuously & commonly presuming to offend and infringe the good & holisome lawes of thys Realme, & gracious comandements of our said soueraigne Lord, then in times past hath ben sene or knowen, haue not letted to subtract & withdraue the lawfull & accustomed tithes of cozns, hay, pasturages, & other sort of tithes & oblations commonly due to þe owners, proprietaries, & possessors of the parsonages, vicarages, & other ecclesiasticall places, of & win the said realme & dominions, being the more encouraged thereto, for þat diuers of the kings subiects being lay persons, hauing personages, vicarages, & tithes to the & to their heires, or to the & to þe heires of their bodies lawfully begottē or for term of life or yeres, cannot by the order & course of the ecclesiastical lawes of this realme, sue
in

Tythes.

of any ecclesiasticall court for the wrongfull
withholding & deteyning of the said tythes
or other duties, nor cannot by the order of
the common lawes of this realme, haue any
due remedy against any person or persons,
their heirs or assignes, that wrongfully de-
teyneth or withholdeth the same: by occasi-
on whereof much controuersie, suit, variace
and discorde is like to insurge and ensue a-
mong the kinges subiectes, to the great de-
triment, damage, and decay of many of them
if conueniēt and speedy remedy therefore be
not had and provided.

Wherefore it is ordeyned & enacted by our
said soueraigne Lord & king, in the assent of
the lordes spiritual & temporal, & the commons
in this present parliament assembled, and by
authoritie of the same, that all and singular
persons of this his saide Realme, or other
his dominions, of what estate, degree, or co-
dition soeuer he or they be, shal fully, truely
& effectually deuide, set out, yeld, or pay al
singular tythes & offerings aforesaid, accor-
ding to the lawfull customes & vsages of the
parishes & places where such tythes or due-
ties shal grow, arise, come, or be due. And in
case that it shal happen any person or per-
sons of his or their vngodly & peruerse wil-
& mind, to deteine or withhold any of & said ty-
thes or offrings, or part or pcel therof, the
parson or party being ecclesiasticall or lay pson
hauing cause to demaund or haue & said tythes
or offrings, being thereby wronged or greued
shall

shall & may conuent the pson or persons' so
offending befoze the ordinary, his comissary
or other cōpetent minister, or lawfull iudge
of y place where such wrong shal bee done,
accozding to the ecclesiastical lawes. And in
euery such case of matter or suite, the same
ordinary, commissarie or other cōpetent mi-
nister or lawfull iudge, hauing the parties or
their lawfull procuratours befoze him or
them, shall and maye by vertue of this acte
proceede to the examination, hearing & de-
termination of euery such cause or matter
ordinarily or summarily, accoꝝding to the
course and processe of the said ecclesiastical
lawes, and thereupon may geue sentēce ac-
coꝝdingly. And in case that any of the par-
ties, for any cause or matter cōcerning that
suit, do appeale from the sentence, order, and
diffinitive iudgement of the saide ordinary,
or other competent Judge, as is aforesaid:
then the same iudge by vertue of this acte
foꝛthwith vpon such appellation made, shal
adiudge to the other partie the reasonable
costes of his suit therein befoze expended, &
shal compel the same party appellant to sa-
tisfie and pay the same costs so adiudged by
compulsory processe, and censures of the said
lawes ecclesiastical taking suertie of the o-
ther partie to whō such costs shalbe adiud-
ged and paide, to restore the same costes to
the partie appellant, if after the principall
cause of that suit of appeale shalbe adiudged
against the same partie, to whom the sayde
costes

Tithes.

costes shalbe yelden. And so enery ordinarpe
oz other competent iudge ecclesiasticall, by
vertue of this acte shall adiudge costs to the
other partie vpon euerie appeale to be made
in anie suite oz cause of subtraction oz deten-
tion of anie tithes oz offeringes, oz in ane
ther suite to bee made for oz concerning the
duetie of such tithes oz offeringes.

And further be it enacted by the autho-
ritie aforesaide, that if anie person oz per-
sons after such sentence diffinitive geuen a-
gainst them, obstinatelpe and swillingly re-
fuse for to pay their tithes and ducties, oz
such summes of money so adiudged where-
in they be condemned for the same, that
then two Justices of the peace of the same
shire, whereof one to be of the Quorum,
shall haue authoritie by this acte, vpon in-
formation, certificate, oz complaint to them
made in wryting by the saide ecclesiasticall
Iudge that gaue the same sentence, to cause
the same partie so refusinge, to be atta-
ched, and committed to the next gaole, and
there to remaine without baile oz maine-
prize, till he oz they shall haue founde suf-
ficient suerties to bee bounde by recogny-
sance oz otherwise befoze the same Justices
to the vse of our soueraigne Lord the King,
to perfourme the saide diffinitive sentence
and iudgement.

Provided alwaies and bee it enacted by
the authoritie aforesaide, that no person oz
persons shalbe sued, oz otherwise compelled

to pealde, geue or paie any manner of tithes, for any manors, lāds, tenements, or hereditaments which by lawes or statuts of this realme are discharged, or not chargeable with the paiement of any such tithes. § Vide anno 31. H. 8. cap. 13. Monasteries 11. in fine. §

¶ Provided also and be it enacted by authority aforesaide, that this acte nor anye thinge therein contained, shal in any wise binde th inhabitants of the city of London & suburbs of the same, for to paye theire tithes & offerings wīn the same city & suburbs, otherwise thē they ought or shoulde haue dōe before ꝑ making of this act, anie thinge in this act cōteined to ꝑ cōtrary notwithstanding. And be it further enacted by authority aforesaid, ꝑ in al cases where anye persō or persōs, which now haue or whiche hereafter shal haue any estate of inheritāce freehold, terme, right, or interest, of, in, or to any personage, vicarage, portiō, pēciō, tiths oblations, or other ecclesiastical or spiritual profit, which now be, or which hereafter shal be made temporall or admitted to be, abide, and go to, and in temporall hands & laybles and profits by the lawe or statutes of this Realme, shal hereafter fortune to be disseised, defozced, wzonged, or otherwise kept or put frō their lawfull inheritāce estate, seisen, possessiō, occupatiōs, term, right or interest, of or to the same, or of, in, or to any parcel thereof, by any other personne or personns, claiminge or pretendinge to

§.ij.

haue

Tithes.

have interest or title in or to the same, that then in all and every such case or cases the person or personnes so disseised, deforced or wrongfully kept or put from his or their right or possession, as is afore rehearsed, their heires, wyues, and such other, to whom such injury or wrong shal be done or committed shal & may have their remedie in the kinges temporall courtes or other temporal courts as the case shal require, for the recovery getting or obtaining of such inheritance, estate freeholde, seison, possession, terme, right, or interest, by wytes original, of *Precipe quod reddat*, *Ass.* of novel disseisin, *Mort daunt*, *Quod ei deforceat*, wytes of dower, or other wytes originall, as the case shal require, to be devised and graunted in the kinges court of Chauncery, of every such personage, vicarage, portion, pension, or other profite called ecclesiasticali or spiritual, so to bee demanded according to the nature and cause of the suit thereof, in like maner and fourme as they should, ought, or might have had, of or for landes, tenementes, or other hereditamentes, in such manner to be demanded, And that wytes of couenaunt and other wytes for fines to be leuied, and al other assurances to be had made or conneted of any such personage, vicarage, portio, pension, or other profite called ecclesiastical or spiritual as is aforesaid, shal bee hereafter devised & graunted in the said Chauncerie, according as hath bene vsed for fines, to be leuied, and assurance

assurance to be had made or conuained of lāds tenementes, or other hereditamentes. And that all iudgements to be geuen vpon any of the saide wrytes originali so to be deuised or graunted of or for any the premises or any of them: and all fines to bee leuied and knowledged in any of the kings said courts thereof, shal be of like force and effecte in the law, to all intentes and purposes, as iudgements geuen and fines leuied of landes, tenementes, and hereditamentes in the same courtes vpon wrytes originali therfore duely pursued and prosecuted, albeit no such fourme of wrytes originali out of the sayde court of Chauncerie haue heretofore proceeded or bene awarded.

¶ Provided alwaies, that this laste acte shall not extende nor bee expounded, to giue anye remedye cause of action or suite in the courtes temporal against any person or personnes, which shall refuse or deny to set out his or their tithes, or which shall detayne, withhold, or refuse, to paye his tythes, and offeringes, or any parcell thereof, but that in all such cases the person or partie being ecclesiasticall or laye person, hauing cause to demaunde or to haue the saide tithes, or offeringes, and thereby wronged or greued, shall take and haue their remedye for theyr said tithes and offeringes, in euery such case in the spirituall courtes, according to the ordinaunce in the first part of this act mentioned, and not otherwise. Anye thinge

Maintenaunce.

herein expresse to the contrary thereof notwithstanding.

An acte against maintenaunce, embracery, &c.
and against vnlawful buying of titles,
An. 32. H. 8. cap. 9.

Maintenanco, 7.



He King our soueraigne Lord calling to his moſte blessed remembrance, that there is nothing within this Realme that conserueth his louing ſubiectes in moze quietnes, rest, peace and good concord, then the due and iuſt miniſtration of his lawes, and the true and indifferent repaſs, of ſuch titles and iſſues as bene to be tryed, according to the lawes of this Realme; which his moſt royall maiestie perceiueſh to bee greatlye hindered and letted by maintenaunce, embracerie, champertie, ſubornation of witneſſes, ſniſſer labour, buying of titles, and pretended rightes, of perſonnes not being in poſſeſſion, wherupon great periuie hath enſued, and much inquietnes, oppreſſion, vexation, trouble, wronges, and diſenheritaunce hath followed among his moſt louing ſubiectes, to the great diſpleaſure of almighty God, the diſcontentation of his maiestie, and to the great hinderance and let of Juſtice within this Realme: For the auoiding of al which miſdemeanours and buying of titles and pretended

tenced rightes, & to the intent that Justice may be moze fully and indifferently minis-
tered, and the truth in causes of contention
plainely tried, betwene his subiects of this
Realme: Be it enacted by our said Soue-
raigne Lord, with the assent of the Lordes
spirituall and tempozall, and the commons
in this pzesēt parliament assembled, and by
authozitie of the same, that from hēceforth
all statutes heretofore made, concerninge
maintenaunce, champertie, and embracerie,
or anie of them, now standing and beinge
in their full strength and force, shalbe put in
due executiō, according to the tenoures and
effectes of the same statutes.

¶ And ouer that be it further enacted, by
the authozitie aforesaid, that no person nor
persons, of what estate, degree or condition
soener he or they be, shall from henceforth
bargain, buy or sel, or by any waies or mea-
nes obtaine, get, or haue any pzeteced rightes
or titles, or take, promise, graunt, or coue-
naunt, to haue any right or title, of any per-
son or persons, in or to any manours, lands
tenementes, or hereditamentes, but if such
person or persons, which shal so bargaine, sel,
geue, graunt, couenant, or promise the same,
their antecessours or they by whom hee or
they claime the same haue bene in possession
of the same, or of the reuersion or remayn-
der thereof, or taken the rentes or pro-
fites thereof, by the space of one whole yere
next befoze the sayde bargaine, couenaunt,
J. iij. graunt

Maintenance.

grant, or promise made, vppon peine that hee that shall make anie suche bargaine, sale, promise, couenant, or grant, to forfait the whole value of the landes, tenementes or hereditaments so bargained, sold, promised, couenanted, or graunted, contrarie to the fourme of this act. And the buyer or taker thereof. knowing y same to forfait also the value of the said landes, tenementes, or hereditaments so by him bought, or taken, as is abouesaide, The one halfe of the said forfeitures to be to the king our soueraigne Lord, and the other halfe to the partie that will sue for the same, in anie of the kings courts of record, by action of debt, bill, plaint or information. In which actiō bill, plaint or informatiō, no essoine, protection, wager of law, nor iniunction shall be allowed.

¶ And furthermore, that no maner of person or persons of what estate, degree, or condition soeuer he or they be, do hereafter unlawfully mainteine or cause, or procure anie unlawful maintenance, in anie action, demand, suite, or complaint, in anie of the kings courts of the Chauncery, the Starre Chamber, white hall, or els where, within any of the kings dominions of England or Wales, or the marches of the same, where any persō or persons haue, or hereafter shall haue aucthoritie by vertue of the kings commission, patent, or writ, to hold plee of lāds, or to examine, heare, or determine, anie title of landes, or anie matter or switnesse
concerns

concerning the title, right, or interest of any lands, tenements, or hereditaments. And also so that no person or persons, of what estate, degree, or condition soever he or they be, doe hereafter unlawfully retain for maintenance of any suit or plea, any person or persons or embrace any freeholders or iurours, or suborne any witness by letters, rewards, promises, or by any other sinister, labour or meanes, for to maintaine any matter or cause or to the disturbance or hinderance of iustice or to the procuremēt or occasion of any manner of perjury by false verdict, or otherwise, in any manner of courts aforesaid. upon paine of forfeiture for every such offence x. li. The one moiety thereof unto the king our sovereigne Lord, and the other moiety to him that will sue for the same by action of debt, bill, plaint, or information, in anye the kinges courtes in which action, no escoine, protection, wagger of lawe nor injunction shalbe allowed. Provided alway, & be it enacted by the auctoritie aforesaide, that it shalbe lawfull to any person or persons, being in lawfull possession by taking of the yerely ferme, rents or profits of or for any manours, landes, tenementes, or hereditamentes, to buy, obtaine, get or haue, by anye reasonable way or meanes the pretended right, or title of anye other person or persons, hereafter to be made to of or in such manours, landes, tenementes, or hereditamentes, whereof he or they shall be in lawfull possession: any thinge in this

this act contained to the contrary notwithstanding.

And for the due execution of this present acte, be it further enacted by authoritie abovesaid, that the Justices of assise of every circuit within this realme & els. where within the kinges dominions, shal in every countie within their circuits, two times in the yere, that is to say, in þ time of their sittings, for the taking of assises or delivrie of their gaoles, cause open proclamation to be made, aswel of this present acte, and of every thing therein contained, as also of al other statutes heretofore made, against unlawful maintenance, champerty, embracerie, or unlawful retainours, to the intent þ no maner of person or persons, hearing the same should be ignorant or miscognisant of the dangers and penalties therein contained and specified.

Provided alsway, and bee it enacted by the authoritie aforesaid, that this acte shall not extende to charge any person or persons with any of the penalties mentioned in the said acte, for any offence by him or the committed, contrarie to the said acte, excepte the same person or persons so offending be sued therof by action of debt, bill, plaint, or information in any of the kinges courtes within one yere next after the same offence by hym or them committed as is aforesaid.

An

An acte that lessees shall enioy their fermes
against tenants in taile, or in the right
of their wiues, or churches

&c. An. 32. H. 8.

Cap. 28.

¶ Leases. 2.

BE it ordained, established and
enacted by the kinge our soue-
raigne Lorde, the Lords spiri-
tuall and temporall, and the co-
mons in this present parlia-
ment assembled, and by authoritie of the
same, that all leases hereafter to be made of
anie manours, landes, tenementes, or other
hereditamentes, by writing indented, vnder
seale, for terme of yerres, or for terme of life,
by any person or personnes being of full age
of one and twentie yerres, hauing any estate
of inheritance either in fee simple, or in fee
taile, in their owne right, or in the right
of their churches or wiues, or jointly with
their wiues, of anie estate of inheritance
made before the couerture or after, shall
be good and effectuell in the lawe, againste
the lessours, their wiues, heires and succes-
sours, and euery of them, according to suche
estate as is comprised and specified in eue-
rie such indenture of lease, in like manner &
fourme as the same should haue bene, if the
lessours thereof, and euery of them, at the
time of the making of such leases had bene
lawe.

Leases.

lawfully sealed of the same lands, tenements and hereditaments comprised in such indenture, of a good, perfect and pure estate of fee simple thereof to their owne only uses.

¶ Provided alway, that this acte nor any thing therein contained, shal not extend to any leases to be made, of any manours lands, tenementes, or hereditamentes, being in the handes of anye fermour, or fermours, by vertue of anye olde lease, vnlesse the same olde lease be expired, surrendred, or ended, within one yere next after the making of the said new lease, nor shal extend to any graunt to be made of any reuerſion, of any manours, landes, tenementes, or hereditamentes, nor to any lease of any manours, landes, tenementes, or hereditaments, which haue not most communely bene letten to ferme, or occupied by the fermours thereof, by the space of xx. yeaeres next before such lease thereof made, nor to any lease to be made, without empeachment of waste, nor to anye lease to be made aboue the number of one & twentie yeres, or thre liues at the moste, from the day of making thereof. And that vnder euerye such lease there be reserued yearely duringe the same lease due & payable, to the lessours their heires and successours, to whome the same landes shoulde haue comen after the deathes of the lessours, if no suche lease had bene thereof made, and to whom the reuerſion thereof, shall appertaine, accordinge to their estates and interestes, so much yearely ferme

ferme or rent, or more, as hath bene moste accustomedly yelde or paid for the manours, landes, tenementes, and hereditamentes, so to be lette within xx. yeres next befoze such lease therof made, and that euery such person and persons, to whom the reuersion of such manours, landes, tenementes, or hereditamentes, so to be letten, shall appertaine as is aforesaid, after the deathes of such lessours or their heires, shal & may haue such like remedie and auantage, to all intentes & purposes, against the lessees thereof, their executours and assignes, as the same lessour should or might haue had againste the same lessees. So that if the lessour were seised of any especial estate taile of the same hereditamentes, at the time of such lease, that the issue or heire of that especial estat, shal haue the reuersion, rentes and seruices reserued vpon such lease, after the death of the sayde lessour, as y^e lessour himselve might or ought to haue had if he had liued.

¶ Provided alway that the wife bee made partie to euerie such lease, which hereafter shal bee made & by & her husband, of any manours, landes, tenementes, or hereditamentes, being the inheritance of the wyfe, and that euerie such lease be made by indenture in the name of the husbände and his wyfe, and she to seale to the same. And that the ferme and rent be reserued to the husbände and to the wyfe, and to the heires of y^e wyfe according to her estat of inheritance in the same,

Leases.

same. And that the husband shal not in any wise alien, discharge, graunt or geue awaye the same rent reserued, nor any part thereof longer then during the couerture, without it be by fine leuied by the said husbände and wife: But that the same rent shall remaine descend, reuert, or come after þe death of such husband, vnto such person or persons, and their heires, in such maner and sort, as the lands so leasēd should haue done, if no suche lease had thereof bene made.

Provided also that this act extend not to geue anye libertye or power to anye person or persons to take any moe termes, leasez, or takings of any manors, lands, tenements or other hereditamentes, thē he or they shoulde or might lawfully haue done before the makinge of this acte. ¶ See the statute made 25. H. 8. cap. 13. sheepe 2. ¶ nor extende to geue any liberty or power to any person or vicar, of any church or vicarage, for to make any lease or graunt of any their mesuages, lands, tenements, tiths, profits, or hereditaments belonging to their churches, or vicarages, otherwise or in any other māer thē they shoulde or might haue done before the makinge of this acte, any thinge contained in this act to the contrary notwithstanding.

And furthermore be it enacted by authority aforesaid, that all leases at anye time within the space of thre yeres next before the xx. day of April, & in the xxxi. yeres of our soveraign lord þe kinges reign, made

by writing indented vnder seale, by anie person or persons of full age, of whole memory, not unlawfully coerced, nor being covert baron, for terme of yerres, of anie manours, landes, tenementes, or other hereditamentes, whereof the lessour or lessoures, were seised of any estate of inheritauce, of and in the same to their owne only vse at the time of making any such lease thereof, and whereof the lessees their executours and assigns, be now in possessiō by vertue of the same lease, and no cause of reentry or forfeiture therof had or made, shalbe good and effectual in the lawe, againste the lessoures, their heires and successours, and the heires and successours of euerie of them, according to the covenants, articles, and agreements specified in euery such indenture of lease.

So alwaies there be reserued & yerely payable, during the same lease, to the said lessours their heires or successours, or to such other as should or ought to haue had & same manours, landes, tenementes, or hereditamentes so leased, after the decease of such lessours, in case no such lease had there of bene made, as much yerely rent for the same, as was at any time therfoze yelden or paid within xx. yerres next befoze & making of any such lease, or els such leases to be of no other force ne effect, then they were befoze the making of this present acte,

And mozeouer for certaine considerations, be it enacted by authoritie aforesaide, that

Leases.

that no fine, feoffment, or other acte or actes hereafter to be made, suffered, or done, by the husband only, of any manours, landes, tenements, or hereditaments, being the inheritance or freehold of his wife, during the coverture betweene them, shal in any wise be or make any discontinuance therof, or be prejudicial or hurtful to the said wife, or to her heires or to such as shal haue right, title, or interest to the same by the death of such wife or wives. But that the same wife or her heires and such other to whom such right shal appertain, after her decease, shal and may the lawfully enter into all such manours, lands, tenements, and hereditaments, according to their rightes, and titles therein, any such fine, feoffment or other act to the contrary notwithstanding, fines levied by the husband and wife (whereunto the said wife is party and pryncipall) only except.

Provided furthermore, that this clause or acte, extend not to geue any libertie to any such wife, or to her heires, for to auoyde any lease hereafter to be made of any the inheritance of the wife by her husbände and her for terme of xxi. yeares, or vnder, or any her inheritance for terme of thre liues at the vttermoost, whereupon as much yearely rent or moze is or shal be reserved, & yerely payable during the same lease, as was at any time therfore yelde or paid wthin xx. yeares next before the making of any such lease, according to the tenour of this presente acte,

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any thing therein conteyned to the contrary notwithstanding.

¶ Provided also, that this act extend not to make good any lease or leases, heretofore made, by any ecclesiastical person or persons by their couent or common seale, which bee made void or taken away, by authority of any act of parliament heretofore made, nor extende to make good any lease or leases, heretofore made by any ecclesiastical person or persons, now being attainted of treason, vnder their couent seale or otherwise, or by any other person or persons now being attainted of treason by acte of parliament or otherwise. But that al & singuler such lease and leases, and euery of them, now made, or hereafter to be made, shalbe of such lyke effect & strength in the law & none other, as they & euery of the were before the making of this act: any thing before mencioned in this act to the contrary thereof notwithstanding.

¶ An act concerning Mispleading, Ieofayles, and attourneis, Anno 32.H.8.cap.30.

¶ Repleader 1.



From henceforth if any issue be tried by the othe of twelue or moe indyfferent men for the partie plaintife or Demandant, or for the partie of the tenaunt or defendaunt, in any maner of

¶ s. i.

action

Repleader.

Action or suite at the common law of this realme, in any the kings Courtes of record: that then the Justice & Justices by whom iudgement thereof ought to be geuen, shall proceede & geue iudgement in the same, any mispleading, lack of colour, insufficient pleading or iefaille, any miscontinuance or discontinuance or misconueying of proces, misioyning of the issue, lack of warrant of attorney of the partie against whom the same issue shal happen to be tried, or any other default or negligence of any of the parties, their counsaillors or attorneis, had or made to the contrarie notwithstanding. And the sayde iudgemēts thereof so to be had & geuen shal stande in full strength & force, to al intents & purposes, according to the saide verdict, without any reuersel or vndoing of the same by writ of error, or of false iudgemēt, in like forme as though no suche default or negligence had neuer ben had or committed.

Provided alway and bee it enacted by the auctoritie aforesaide, in anoydinge of errors and other great inconueniences, that daylie do fortune to rise and growe in the kings Courtes of recorde at Westminster, through the negligence of attourneis, because they deliuer not their warrauntes of attourney in such actions and suites, where in they bee named attourney, accordinge to the lawes of this realme, that all and every such person and persons, which shal fortune hereafter to be attourney, to or for any other
pers

person or persons, being demandant or
 plaintife, tenant or defendant, in any action
 or suite, at any time hereafter commenced or
 taken in any of the kings said Courtes, and
 plead to any issue in the same action or suit:
 That then the same Attourneis and every
 of them from time to time, shall deliuer or
 cause to be deliuered his or their sufficient &
 lawful warrant of attourney, to be entered
 of recorde for every of the saide actions or
 suites, wherein they be named attourneis,
 to the officer or his deputie, ordeined for the
 receipt & entering thereof, in the same terme
 when the said issue is entered of recorde in
 the said court, or afore, vpon paine of forfeit-
 ing vnto our said soueraigne Lozde tenne
 poundes sterling for every default, for non
 deliuering of the said warrāt of attourney.
 And also further to suffer such imprisonment
 as by the discretion of the Iustices of the
 court for the time being, where any such de-
 fault shal fortune to be had or made, shalbee
 thought conuenient. This present act with
 the prouiso to endure till the last day of the
 next parliament. † This was continued

25. 33. H. 8. cap. 17. & 25. 37. H. 8.

cap. 23. & 25. 2. E. 6. cap. 32.

it was made per-
 petuall.

25. 33. H. 8. 25. 37. H. 8.

Particion.

An acte concerning Iointenants for terme of life, or yeares. Anno 32.H.8.cap.32.

¶ Particion 4.

FOrasmuch as in the Parliament begun at Westm the eight and twenty day of April, & there continued till the xxvij. day of June the xxxi. yeare of the kinges most noble and victorious raigne that now is. It was amongst other thinges there enacted and established, that all Iointenants and tenants in common, that then were or hereafter should be of any estate or estates of inheritace in their owne rightes, or in the right of their wiues, of any manors, landes, tenements, or hereditaments within this Realme of Englande, Wales, or Marches of the same, shall and may be coerced and compelled by vertue of the saide acte, to make particion betwene them of all such manors landes, tenements, & hereditaments, as they then held, or hereafter should hold as iointenants or tenants in common, as moze plainly at large appeareth by the saide estatute. And for asmuch as the said estatute doth not extend to iointenants and tenants in common for terme of lyfe or yerres, neyther to iointenants and tenants in common, where one or some of them haue but a particuler estate for terme of life or yerres, and the other haue estate or

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estates of inheritance, of and in any manors, lands, tenements, and hereditaments. Be it therfore enacted by the king our soueraigne Lord, & by thassent of the Lordes spirituall and tempozal, and the commons in this present parliament assembled, and by the auctoritie of the same, that al iointenants and tenants in common, & euery of them which now hold, or hereafter shall hold, iointly or in common for terme of lyfe, yere or yeares, or iointenants or tenants in comon, where one or some of them haue or shal haue estate or estates for terme of life or yeares, with or other, that haue or shal haue estate or estates of inheritance or freeholde, in any manors, lands, tenements, or hereditaments, shal and may be compellable from hēceforth by writ of Particion to be pursued out of the kinges Court of Chauncery vpon his or their case or cases, to make seuerance & particion of al such manors, lands, tenements, and hereditaments, which they holde iointly or in comon, for terme of life or liues, yere or yeres, where one or some of them hold iointly or in comon for terme of life or yeres, with other, or that haue an estate or estates of inheritance or freeholde.

Provided alway, & be it enacted that no such particion nor seuerance hereafter to be made, by force of this act be, nor shalbe prejudicial or hurtful to any person or persons their heires or successors, or other then such which bee parties vnto the said particion,

¶ a. ij.

their

Discentes.

their executoꝝ or assignes.

¶ That the dying seised of a wrongfull disseisour
is no discent in the law. 32.H.8.cap.33.

¶ Entre lawfull 2.

Where dyuers persons, of theye
insatiabie mindes, haue hereto-
foze by strength, and without
title, entered into manors, lāds,
tenementes, and other heredita-
mentes, and wrongfully disseised the right-
full owners and possessors thereof, and so
being seised by disseisin, haue thereof died
seised, by reason of which dying seised, that
disseise, or such other personnes as befoze
such discent might haue lawfully entred in
to the sayde manors, landes, and tenementes,
were and bee thereby clerely excluded of
their entrie into the sayde manors, landes,
and tenementes, and put to their action for
their remedy and recovery therein, to their
great costes and charges.

¶ For reformation whereof, be it enacted
by the auctoritie of thys present parlia-
ment, that the dying seised hereafter of any
such disseisor, of, or in any manours, landes,
tenementes, or other hereditamentes, hauing
no right or title therein, shall not bee taken
or deemed from hencefozth any such discent
in the lawe, for to tolle or take away the
entre of any such person or persons, or their
heires,

heires, which at the time of the same disceit had good and lawfull title of entre, into the said manours, lands, tenements, or hereditaments, except that such disseisour, hath had the peaceable possession of such manours, lands, tenements, or hereditaments, whereof he shal so dye seised, by the space of fyue yerres next after the disseisin therein by hym committed, without entrie or contynuall claime, by or of such person or persons as haue lawfull title thereunto.

¶ An acte concerning grauntees of reuerfions to take auantage of the condicions to be perfourmed by the lessee.

Anno 32.H.8.cap.34.

¶ Condicion 1.

Where before thys tyme, diuers aswel temporall as ecclesiastical and religious persons, haue made sundry leases, demises, and grauntes to dyuers other persons of sundry mannours, lordships, fermes, meases, landes, tenementes, meadowes, pastures, or other hereditaments, for terme of life or liues, or for terme of yeaeres, by writing vnder theyr seale or seales, concerning, alias contepning, certein condicions, couenants & agreements, to be perfourmed aswel on the part & behalfe of the said lessees & grauntees, their executors and assignes, as on the behalfe of the saide lessors,

¶ a. iiij.

lessors,

Condicions.

lessours and grauntours, their heires & successors. And for asmuch as by the common law of this realme, no straunger, to any covenant, action, or condicion, shall take any aduantage or benefite of the same, by any meanes or waies in the law, but onely such as be parties or priuies thereunto, by the reason whereof, aswel all grauntees of reuerſions, as also al grauntees & patentees of the king our soueraigne lord, of sundry manors, lordships, graunges, fermes, meases, lands, tenements, meadowes, pastures, or other hereditaments, late belonging to monasteries, & other religious & ecclesiasticall houses, dissolved, suppressed, renounced, relinquished, forfeited, geuen bp. or by other meanes come to the hands & possession of the kings Maiestie, since the fourth day of februarye, the xxij. yeare of his most noble raigne, be excluded to haue any entre or action against the said lessees & grauntees, their executors or assignes, which the lessors before the time, mought by y^e law haue had against y^e same lessees, for y^e breach of any condicion, covenant, or agreement, comprised in the indentures of their said leases, demyses and graunts. Be it further enacted by y^e king our soueraigne lord, y^e lords spiritual & tēporal, & the commons in this present parliament assembled, & by aucthority of the same, that aswel all & every person & persons, & bodies politique, their heires, successors & assignes, which haue or shal haue, any gift or grāt of

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our said soueraigne Lord, by his letters patents, of any lordships, manors, lands, tenements, reys, parsonages, tithes, porcions, or any other hereditaments, or of any reuerſion or reuerſions of the ſame, which did belong & appertain to any of the ſaid monaſteries, & other religious & eccleſiaſtical houſes, diſſolued, ſuppreſſed, relinquished, forfeited, or by anye other meanes come to the kinges handes, ſince the ſaid iij. day of Februarie, the xxvij. yere of his moſt noble Reigne, or which at any time heretofore did belonge or appertaine to any other perſon or perſons, & after came to the handes of our ſaid ſoueraigne Lord, as alſo al other perſons beeing grauntees or aſſignees, to or by our ſaid ſoueraigne lord the king, or to or by any other perſon or perſons, then the kings highneſſe, & the heires, executors, ſucceſſors, & aſſignees of euery of the, ſhal & may haue & enioy like aduantage againſt the leſſees, their executors administrators, & aſſignees, by entre for non payment of the rent, or for doing of waſt, or other forfeiture. And alſo ſhal & may haue & enioy all & euery ſuch like, & the ſame aduantage, benefite & remedies, by action only for not perſorming other condicions, covenants or agreements, conteyned & expreſſed in the indentures of their ſaid leaſes, dimiſſes, or graunts, againſt al & euery the ſayd leſſees & fermors, and grauntees, their executors, administrators, and aſſignees, as the ſaid leſſors or grauntours them ſelues
or

Condicions.

or their heires or successors, ought, should, or might haue had and enioyed, at any time or times, in like maner and forme, as if the reuerſion of ſuch landes, tenementes, or hereditaments, had not come to the handes of our ſaid ſoueraigne Lord, or as our ſaid ſoueraigne lord, his heires & ſuccessors ſhould or might haue had & enioyed, in certeine caſes, by vertue of the acte made at the firſt ſeſſion of this preſent parliament if no ſuch graunt by letters patents had ben made by his highnes. ¶ See Anno 31. H. 8. ca. 13.

¶ Moreover be it enacted by aucthoritie aforeſaid, that all fermors, leſſes, & graunters of lordſhips, manors, lands, tenements, rentes, parſonages, tythes, porcions, or any other hereditaments, for terme of yeres, life or lyues, their executors, adminiſtrators, & aſſignes, ſhall & may haue like action, advantage & remedy, againſt all & euery perſon & perſons, & bodies politike, their heires, ſuccessors, and aſſignes, which haue or ſhall haue any gift or graunt of the king our ſoueraigne Lord, or of any other perſon or perſons of the reuerſion of the ſame manours, lands, tenements, and other hereditaments ſo letten, or any parcel thereof, for any condicion, couenant, or agrement, contained or expreſſed in the indentures of their leaſe & leaſes, as the ſame leſſes or any of them, might, or ſhould haue had agaynſt the ſaide leſſors and grauntors, their heires or ſuccessors: all benefites and aduantages of

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recoueries in balne, by reason of any swar^r
rantie in deede or law, by vouches, or other^r
wise onely excepted.

¶ Provided alwayes that this act nor aⁿ
ie thing or things therein conteyned, shall
extende to hynder or charge any person or
persons, for the breach of any covenant or
condicion, comprised in any such writing as
is aforesaid, but for such covenants & con^d
dicions as shalbe broken or not performed,
after the first day of September next com^m
ing, and not before: any thing before in
this acte conteyned to the contrary thereof
notwithstanding.

¶ Fines.

¶ An act for the exposition of the Statute of
Fines, Anno 32.H.8.cap.36.

¶ Fines 9.

FOr as much as in the fowerth yere
of the Raigne of the late kinge of fa^m
mous memorie kinge Henry the vij.
father of our most drede soueraygne
Lord the kinge that now is, & videlicet
4.H.7.cap.24. & it was among many good &
sundry statutes & ordināces then made for
comō wealth, enacted, ordeined & established
by forme & maner how fines should be leuied
with proclamations, in the kings court, be^f
fore his Justices of his common place, and
that

Fines.

that such fines with proclamacions, so had
 & made, to the intent to void al briefes and
 debates, should be a final end, & conclude as
 wel priuies as straungers to the same, cer-
 taine persons excepted & sauēd, as in y^e same
 estatute moze plainly appeareth. Sythen
 which time by diuersitie of interpretacion &
 expounding of the same estatute, it hath ben
 & yet is by some maner of persōs doubted &
 called in question, whether fines wth procla-
 mations, leuied o^r to be leuied before y^e said
 iustices, by any persō o^r persons, hauing o^r
 clayming to haue, in any manors, lands, te-
 nements, o^r hereditamēt^s, comprised in the
 same fine, in possession, reuerſion, remainder,
 o^r in vse, any manner of estate taile, should
 immediatly after y^e said fine leuied, engrossed
 & proclamatiō made, binde the right heires
 heires of such tenant in taile, & euery other
 person & persons seised, o^r clayming to their
 vse o^r vses ¶ See P. 19. H. 8. case 5. ¶ by occasi-
 on whereof dyuers debates, controuersies,
 suites, & troubles haue ben begon, moued &
 had wthin this realme, & mo be like to ensue if
 remedie for y^e same be not prouided. ¶ o^r the
 establishment & refozmation whereof, & for
 the sure & sincere interpretacion of the said
 estatute, in auoyding al dāgers, contentions,
 controuersies, ambiguities & doubt^s that
 hereafter may ensurge, growe, and happen.
 Our soueraigne Lord the kinge, with the
 assent of the Lordes spiritual and tempo^ral,
 and the commons in this present parliamēt
 assembled,

assembled, & by auctoritie of the same, hath enacted and ordeyned, that all and singular fines, as well heretofore leuied, as hereafter to be leuied, before the said Iustices wyth proclamations, according to þe said estatute, by any person or persons, of full age of xxi. yeares, of any manors, lands, tenements, or hereditamentes, before the time of the same fine leuied, in any wise entailed to the person or persons so leuyng the same fine, or to any the auncestor or auncestors of þe same person or persons, in possession, reuerſion, remainder, or in vse, shalbe immediatly after the same fine leuied, engrossed, & proclamations made, adiudged, accepted, deemed, and taken, to all intentes and purposes, a sufficient barre & discharge for ever, against the said personne and personnes, and theire heires, clayming the same landes, tenemets, and hereditamentes, or any parcel thereof, onely by force of any suche taylor, and against all other personnes, clayminge the same, or any parcel thereof, only to their vse, or to the vse of any manner of heire of the bodies of them: any ambiguitie, doubt, or contrarietie of opinion, ryſen or growen upon the said estatute, to the contrary notwithstanding.

¶ Provided alway, that this act, nor any thing therein contained, shal extend to barre or exclude, the lawfull entre, title, or interest of any heire or heires, person or persons, heretofore geue, or hereafter to be geue, growen
or

Fines.

or accrued to them, or any of them, in or to any manors, lands, tenements, or hereditaments, by reason of any fine or fines heretofore levied, or hereafter to be levied by any woman, after the death of her husband, contrary to the fourme, intent, and effect of the estatute made in the xi. yere of the said late king Henry the viij. ca. 20. of any manors, landes, tenements, & hereditaments, of the inheritance or purchase of the said husband, or of any his auncesters, geuen or assigned to any such woman in dower, for terme of life, or in taile, in vse or in possession, but by the same act made in the said xi. yere of the said late king Henry the viij. shall stand, remaine, & be in full strength & vertue, in euery article, sentence, and clause therein conteyned, in lyke manner and fourme, as though this present acte had neuer ben had ne made.

¶ Provided also, that this act ne any thing therein contained, do extende to any fine or fines, in any time heretofore levied, or hereafter to be levied, of any lordships, manors, landes, tenements, or other hereditaments, whatsover they bee, the possessioners and owners whereof, by reason of any expresse wordes contained in any special act or acts of parliament, made, or ordeyned, within the said iij. yere of the raigne of the saide late king Henry the viij. stande, be bounden, or restrained from making any alienations, discontinuances, or other alterations, of any
of

of the same lordships, manors, landes, tenements, or hereditaments, conteyned in the said fine or fines, but that all & every suche fine & fines, at any time heretofore leuied or hereafter to be leuied, by any such person, or persons, or their heires, of any such lordships, manors, lands, tenements, or other hereditaments, shalbe of such like force and strength in law, & of none other effect, the same fine so leuied or to be leuied, should haue ben, if this present act had neuer bene had nor made: any thing herein conteyned to the contrary thereof in anye wyse notwithstanding.

¶ Provided also that this act, nor any thing therein conteyned, shal extend to any fine or fines, heretofore leuied of any manors, lands, tenements, or hereditaments, now in suit, demaunde, or variance, in any of the kynges courtes, or whereof any charters, evidences or muniments concerning the same, be now in demaund in the kings high court of chancery, nor to any fine or fines heretofore leuied of any manors, lands, tenements, or hereditaments, which befoze the first day of this present parliamēt haue ben recouered, gotten or obtained, by reason of any iudgemēt, entre, decree, arbitrement, or other lawful means, contrary to the purport, intēt, or effect of any such fine or fines thereof heretofore leuied, nor to any fine or fines heretofore leuied or hereafter to be leuied by any pson or persons, of any manors, lands, tenements, or hereditaments befoze

Rentes.

before the time of the leuyinge of the same fine geuen, graunted, or assigned to the said person or persons, so leuying the same fine, or to any of hys or their auncestors in the taile, by vertue of any letters patents of our said soueraigne Lord, or any of his progenitors, or by vertue of any acte or actes of parliament, the reuerſion whereof at the time of the same fine or fines so leuyed, beeing in our said soueraigne Lord, his heires or successors. But that euery such fine & fines shal be of like force, strength, and effect, as they were or should haue ben, if this act had neuer bene had nor made.

¶ Rentes.

¶ An act for recouerie of arrerages of rentes by executors of tenant in fee simple. 32.H. 8. cap. 37. Rentes 2.

FOr asmuch as by the order of the comon law, the executors or administrators of tenants in fee simple, tenants in fee taile, and tenants for terme of yues, of rentes seruitces, rent charges, rent seckes, and for termes, haue no remedie to recouet such arrerages of the saide rentes or for termes, as were due vnto their testators in theyr liues, nor yet the heires of such testator, nor any persō hauing the reuerſion of his estate, after hys decease may distrain or haue any lawfull

laſeful actiō to lene any ſuch arrerages of
rētꝝ oꝝ of fee fermes, due vnto him in his life
as is aforeſaid, by reaſon wherof þe tenants
of the demeane of ſuch landes, tenementes,
oꝝ hereditamentes, out of the which ſuche
rentes were due and payable, who of right
ought to pay their rētꝝ and fermes, at ſuch
day and termes as they were due, doe many
times kepe, hold, and retaine, ſuch arrerages
in their owne handes, ſo that the executoꝝ
and adminiſtratoꝝ of the perſonnes, to
whom ſuch rentes, oꝝ fee fermes were due
cannot haue oꝝ come by the ſaide arrerages
of the ſame, towardeſ. ¶ the payment of the
debts, and perfourmaunce of the will of the
ſaid teſtatoꝝ. ¶ 29. 19. H. 6. cap. 83. fol. 41.
Dett. 37. and Executoꝝ. 98. Anno. 4. E. 3
Itiſi Noting. ¶

¶ For remedie whereof be it enacted by
authoritie of this preſent parliament, that
the executoꝝ, & adminiſtratoꝝ of euerie
ſuch perſon oꝝ perſon, vnto whom any ſuch
rent, oꝝ fee ferme, is oꝝ ſhall be due, and not
payed at the time of his death, ſhall & maye
haue an action of debt, for al ſuch arrerages,
againſte the tenaunt oꝝ tenaunt, that
ought to haue payed the ſayde rente oꝝ fee
fermes, ſo being behinde, in the life of their
teſtatoꝝ, oꝝ againſt the executoꝝ and ad-
miniſtratoꝝ of the ſaide tenaunt. And
alſo farthermore, it ſhall be laſeful to euery
ſuch executoꝝ and adminiſtratoꝝ, of anye
ſuch perſon oꝝ perſonnes, vnto whom ſuch

25b.1.

rent

Rentēs.

rent or fee ferme (is) shall be due, and not paid at the time of his death as is aforesaid, to distraine for the arrerages of al such rents and fee fermes, upon the landes, tenements, and other hereditaments, which were charged with the payment of such rentes or fee fermes, and chargeable to the distresse of the said testatour, so long as the said landes, tenements, & hereditaments, continue remaine and be in the feason and possession of the said tenant in demecane who ought immediately to haue paid the saide rent or fee ferme, so being behind to the said testator in his life, or in the feason or possellion of any other person or persones claiming the said landes, tenementes and hereditamentes, onely by and from the same tenant by purchase, gift, or discent, in like maner and fourme as their said testatour mought or ought to haue done in his life time, and the said executours and administratours, shal for the same distresse, lawfully make auowzie, upon their matter aforesaid.

Provided alwale, that this act nor any thing therein contained, shal not extend to any such manour, lordshippe or dominion in Wales, or in the marches of the same, wherof the inhabitauntes haue vsed time out of the mind of man to pay vnto euery lord or owner of such lordship, manour, or dominion, at his or their first entry into the same, any summe or summes of money, for the

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redemption and discharge of all duties for=
faitures and penalties, wherewith the said
inhabitaunts, were chargeable, to any of
their saide Lordes aunceltours or pcedel=

And further be it enacted by the autho=
ritie aforesaid, that if any man, which now
hath, or hereafter shall haue in the right of
his wife, any estate in fee simple, fee taile, or
for terme of life, of, or in any rentes or fee
fermes, and the same rentes or fee fermes,
now be, or hereafter shall be due behinde
and vnpaid, in the said wiues life, then the
said husbände, after the death of his saied
wife, his executours and administratours,
shal haue an action of debt for the saied ar=
rerages, against the tenaunt of the demesne
that ought to haue paid the same, his exe=
cucours or administratours; And also y^e said
husbād, after the death of his said wife, may
distrain for the said arrerages, in like maner
and fourme, as he mought haue done, if his
said wife had ben the liuing, & make an osw=
rie vpon his matter as is aforesaid.

And like wise it is further enacted by y^e
auctoritie, aforesaid y^e if any pson or psons
which now hath or hereafter shal haue any
rents or fee fermes, for terme of life or liues
of any other pson or psons, & y^e said rēt or fee
ferme, now be, or hereafter shal be due, & be=
hind & vnpaid, in y^e life of such persō or p=
sons, for whole life or liues, y^e estate of y^e
said rēt or fee ferme did depend or cōtinue, &

B b. ij. after

Rentes.

after the saide person or personnes doth die: Then hee vnto whom the saide rent or fee ferme was due in fourme aforesaid, his executors & administratours, shal & may haue an action of debt against y^e tenant in demesne that ought to haue payed the same, when it first was due, his executors and administrators, and also distraine for the same arerages, vpon such landes, and tenementes, out of the which the said rents or fee fermes were issuing and payable, in such like manner and fourme, as he ought or might haue done if such person or persons, by whose death the aforesaid estate in the said rents and fee fermes was determined and expired, had ben in full life and not dead. And the auowse for the taking of the same distresse to be made in maner and fourme aforesaid.

¶ Willes.

¶ An act for the explanation of the statute of willes. An. 34. H. 8. ca. 5.

¶ VVilles. 3.

VVhere in the last Parliament beganne and holden at Westminster the xxviij. day of April. in the one & thirtie yeare of the kinges most gracious Raigneshap. primo Willes. 2. 6 And there by diuers prorogations halde and continued vnto

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unto the xxiiij. day of July. in the xxxij. yere
of his saied reigne, It was by the kinges
most gracious and liberal disposition, shew-
ed towarde his most humble and obedient
subiectes. or deined and enacted, how and in
what maner, lands, tenements, and heredi-
tamentes, myght by will, or testament, in
writinge, or otherwise by any act or actes
lawfully executed in the life of every persō
geuen, disposed, willed or deuised, for the ad-
uancement of the wife, preferment of chil-
dren, payment of debts, of every such per-
son, or otherwise, at his will or pleasure, as
in the same acte more plainely is declared.
Whithen the makinge of which estatute, by
uers doubts, questions, and ambiguities,
haue risen, bene moued & growen, by di-
uerse of opinions taking, in and vpon the ex-
position of the letter of the same estatute.

¶ For a plaine declaration and explanati-
on whereof, and to the intent and purpose,
that the kinges, obedient and louinge sub-
iects, shal and may take the commoditie and
aduantage of the kinges saide gracious and
liberall disposition, the lordes spiritual and
tempozall, and the commons in this present
parliament assembled, most humbly beseechen
the kinges maiestie, that the meaning of the
letter of the same estatute, concerning such
matters hereafter rehearsed, may bee by the
authoritie of this present parliamt enacted,
taken, expounded, iudged, declared, & expla-
ned, in maner & fourme following.

Wb. ij.

¶ First

Willes

First where it is contained in the same former statute, within diuers articles and branches of the same, that all and singular person and persons, hauing anye manours, landes, tenementes, or hereditamentes, of the estate of inheritance, shoulde haue full & free libertie, power and authoritie, to geue, will, dispose, or assigne, as well by last will and testament in writing, or otherwise, by any act or acts lawfully executed in his life: his manours, landes, tenementes, or hereditamentes, or any of them in such manner and forme, as in the same former act more at large it doth appeare, which words of estate of inheritance, by the authoritie of this present parliament, is and shall be declared, expounded, taken, and iudged, of estates in fee simple only. And also that al and singular person and persons, hauing a sole estate or interest in fee simple, or seised in fee simple, in coparcenary, or in common in fee simple, of, and in anye manours, landes, tenementes, rentes, or other hereditamentes, in possession, reuerſion or remainder, or of reſts or seruices incident to anye reuerſion or remainder, and hauing no manours, landes, tenementes, or hereditaments, holden of the king, his heirs or successors, or of any other person or persons, by knightes seruice, shall haue full and free libertie, power, & authoritie to geue, dispose, will, or deuise, to any person or persons (except bodies politike & corporate) by his last will and testament in

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writing, or otherwise, by any act or acts, lawfully executed in his life, by himself soly or by himselfe and other jointly, severally, or particularly, or by all those waies or any of the, as much as in him of right is or shal be, all his said manors, landes, tenementes, rentes, and hereditaments, or any of them, or any rents, commons, or other profits, or commodities, out of, or to be perceined of the same, or out of any parcell therof, at his owne free will and pleasure, any clause in the said former act notwithstanding.

And further be it declared and enacted by the authoritie aforesaid, that all and singular person & persons, having a sole estate or interest in fee simple, or seised in fee simple in coparcenary, or in common in fee simple, or in any manors, landes, tenementes, rents, or other hereditaments, in possession, reversion, or remainder, or of and in any rentes or services incident to any reversion or remainder, holden of the king by knights service, in chiefe, or of the nature of knights service in chiefe, hath & by the authority of this present parliament shal have full and free libertie, power and authoritie, to give, dispose, sell, or assigne to any person or persons (except bodies politike or corporate) by his last will & testament in writing, or otherwise by any act or acts, lawfully executed in his life, by him selfe soly, or by himselfe & other jointly, severally, or particularly, or by all those waies or any of the, as much as in him

Willes

of right is or shal be, tſwo partes aſwell of
all the ſaide manors, lands, tenementſ, ren-
tes, and hereditamentes, as of al and ſingul-
ler his other rentes, and hereditamentes, or
of any of them, or anie rentes, commons, or
other profits or commodities, out of. or to
be perceined of the ſame tſwo partes, or out
of any parcel therof, in thre partes to be de-
uided, or as much therof, as ſhall amount to
the full and clere verely value of tſwo partes
therof, in thre partes to be deuided of ſwhat
perſon or perſons ſo ever they be holden, at
his free will and pleaſure. And that by the
auctoritie afozeſaid, ſaid wil ſo declared
ſhalbe good and effectual for tſwo partes of
the ſaid manors, landes, tenementes, & he-
reditamentes, althoughe the wil ſo declared
be made of the whole, or of more the of tſwo
partes of the ſame. The ſame diuiſion to be
made and ſet forth, by the deuſor or owner
of the ſame mannors. landes, tenementes
and hereditamentes, by his laſt wil in ſcrib-
ting or otherwiſe in ſcritig. And in default
thereof, by a commiſſion to be graunted out
of the kings court of the wardes and liue-
ries, vpon the inquiry of ſ true value there-
of, by the othes of xij. men, and retourne or
certificat thereof had in the ſame court, of ſ
ſaide mannors, landes, tenementes, and he-
reditamentes, diuiſio to be made by the maſ-
ter of the wardes and liueries, if the maſter
of the wardes and liueries for the time be-
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wise agree vpon the same deuifion. And that the issues and profites of the two partes of the same manors, landes, tenementes, and hereditamentes vpon euery fuch deuifion, to be reflored to them that fhall haue right, or title to the same, fro the death of the owner or deuifour thereof.

¶ And further bee it enacted and declared by thauthozitie afoze faide, that all and fingle perfon and perfons, hauing a fole eftate or intrest in fee fimple, or leifed in fee fimple, in copercenarie, or in common, in fee fimple, of and in any manors, landes, tenementes, rentes, or other hereditamentes, in poffeffion, reuerfion, or remainder, or of and in any, rents or fervicez, incident to any reuerfion or remainder, holden of the king, his heires or fuccelfours by knights fervice, & not in chiefe, or holden of any other pfon or pfonz by knightes fervice, fhall haue full & free libertie, power & authozity, to geue, difpofe wil or deuife, to any pfon or perfons, except bodies politike & corporate, by his laft wil & teftamt in wryting, or otherwife, by any act or actz lawfully executed in his life, by himfelf fole, or by hifelf & other, iointly feuerally or particularly, or by al thofe wayes, or any of them, as much as in him of right is or fhall be, two parts of al the faid manors, landes, tenementes, and hereditaments, or any of them fo holden by knightes fervice, or any rentes common or other profites or commodities, out of, or to be perceiued of the
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Willes.

same two parts, or out of any parcel thereof, in iij. parts to be deuided, or as much thereof, as shal amount to the full & clere yerelpe value of two parts thereof, in three partes to be deuided, at his free wil & pleasure. And that the said wil so declared, by auctoritie aforesaid, shalbe good and effectuell, for two partes of the said manors, lands, tenements, or hereditamentes, although the wil so declared be or shalbe made of y^e whole lands & tenements, so holden by knightes seruice, or of moze then of two partes of the same. And also for the whole of al other such manors, lands, tenements, and hereditamentes or any of them, not holden of the kinge by knightes seruice in chiefe, or otherwise by knightes seruice, nor of any other person by knightes seruice, & of any reys, commons, or other p^rfits or comodities, out of, or to be p^rceiued of y^e same, or out of any parcel thereof at his free wil & pleasure. The same diuisiō to be made and set forth, by the owner of the said manors, landes, tenementes, and hereditamentes, by his last wil & testament in w^riting, or otherwise in w^ritig. And in default thereof, for asmuch of the same manors landes, tenements, and hereditamentes, as shal concerne the kings interest, by commission, to be directed out of the kings court of the wardes and lieries, in maner & fourme as is aforesaid, if the master of the wardes and lieries for the time being, and the parties thereunto, cannot otherwise agree bp^o the

the same diuision. And that restitution of the issues & profits of the two partes thereof, shalbe had and made, in maner & fourme abovesaid. And for such of the same manors landes, tenementes, and hereditamentes, as shal concerne the interest of any other Lord or Lords, by commission to be graunted out of the kinges courte of the Chauncerie, to enquire thereof, by the othes of xij. men, if the same Lord or Lords, and the parties thereunto can not otherwise agree vpon the same diuision.

¶ And be it further enacted & declared by authoritie aforesaid, that the sauings, reseruings, and prouisions, concerning sauing of the custodie, wardship, reliefe, and primer seison to the king, of such manors, landes, tenementes, and hereditamentes, or asmuch thereof, as shal appertaine vnto him, by vertue of the said former act, and by the declaration and exposition thereof, declared by this present act, during the kinges interest therein. And also of the custodie & wardship to other lordes, of as much of such manors landes, tenementes, and hereditamentes, holden of them, as shal amount and extende to the clere yerely value of the third part thereof ouer and aboue al charges, without any diminution or abridgement of the third part, or of the ful profits thereof, comprised and mencioned in diuers articles in the said former act contained, by the authoritie aforesaid be & shalbe intended, expounded, & taken, as here=

Willes.

hereafter ensueth: that is to say, that þe king
shal haue and take for his full thirde parte,
of all such manors, landes, tenementes, and
hereditaments, whereunto he is or shal be
intituled by the saide former act, and by this
present act, such manors, landes, and tene-
ments, as shal by any meanes descend, or
come by discent, as well of estate of inheri-
taunce in fee tayle, as in fee simple, or in fee
taile onely to the heire of any such person or
that shal make any wil, gift, disposition, or
deuise, by his last wil in wryting, or by any
act or actes lawfully executed in his lyfe,
immediately after the death of the same de-
uisour or owner thereof. And that the wil,
gift & deuise of every such deuiseour or ow-
ner, of and for the two partes of the sayde
manors, landes, tenementes, and heredita-
ments residue, shal by the authoritie afore-
said, be and stand good and effectuell in the
lawe, albeit the same wil, gift, or deuise be
had and made of all his fee simple lands, te-
nementes, and hereditaments, or of the more
part thereof. And in case the same manours,
landes, tenementes, and hereditamentes,
which after the death of any such owner or
deuiseour, which shal make any such gifte,
disposition or deuise, by his last wil in wry-
ting, or otherwise, by any act or actes law-
fully executed in his life, to his wife childre
or otherwise as is aforesaid, which shal im-
mediately after his death, descend, reuert, re-
maine or come to his heire or heires, as well
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of estate of inheritante in fee taile, as of estate in fee simple, or fee taile onely, be not, or shal not amount or extende to the full clerely value of the ful thirde part, with the full profits thereof, of al the said manours, landes, tenementes, or other hereditaments of the said deuifour or owner, according to the true intent and meaning of the said former act, and of this present act: that then the king shal and may haue and take into his handes and possession, to make by his full thirde part, with the full profits thereof according to his interest therein, as much of the other manours, landes, tenementes, or hereditamentes, willed, geuen disposed, or assigned by any such persō, to his wife, children or otherwise, as is aforesaid. as with such of the same manours, landes, tenementes, and hereditaments descended, or by anye meanes come vnto the heire, as heire of any such deuifour or owner, shal make by the clerely value of the said ful thirde part with the full profits thereof, of all the sayd manours, landes, tenementes, & hereditaments of enery such owner or deuifour, so to bee had to the kinge, in title of wardshippe or primer seison, as the case shal require. And the deuifion thereof to be had and made, and with the restitution of the profits of p two partes of the said manours, landes, tenementes, and hereditamentes, in such maner and fourme as is aboue reherfed. And like benefite and aduantage to be geuen, had, & taken,

Willes.

taken, by the said authoritie, to every Lord and Lordes of whom anye such manours, lands, tenements, or hereditaments, bene or shalbe holden by knightes seruice, in maner and fourme as is aforesaid, concerning only his or their third partes thereof, accordinge to their said interest therein.

And be it further enacted, by the authoritie aforesaid, that if it happen by same third parte, or any parcel therof, left, swilled, or assigned, to the king or other lord, at any time during their interestes therin, to be lawfully euicted or determined, that then the kinge and the other Lord, shall haue as much of the two partes residue, as shall accomplishe and make vp a full third part, in clere petyly value, after the rate and portion of such manours, landes, tenementes, and hereditamentes, as shall then happen to remaine of the same third part, not deuided nor determined, and of the other two partes of such manours, landes, tenementes, and hereditamentes, as the king or other Lord should or ought to haue had, by vertue of the said former act, and this present act: and by same to be deuided, in maner and fourme abou rehearsed, any clause in the said former act notwithstanding.

And be it further enacted and declared by thauthoritie aforesaid, that the sauings reseruing for fines for alienatio, by any such laste wil and testament, of such manours, landes,

landes, tenements, or hereditaments, holden of the king by knightz service in chiefe, or of the nature of knights service in chiefe, or by socage in chiefe, or of the nature of socage, tenure in chiefe. or for fines for alienation, of such manours, landes, tenementes, or hereditamentes, whereof there shall bee any alteration of frecholde, or of inheritance, made by any such laste will, comprised in diuers and sundry articles, mentioned in the saide former acte, bee and shall bee intended, expounded, taken, deemed, and iudged, by the authoritie aforesaid. that all such personne or personnes, to whom the saide manours, landes, tenementes, or hereditamentes, or any of them, bee or shall bee geuen, disposed, willed, or deuised, by any such laste will, shall bee exonerated, acquitted and discharged for euer againste the kinge, his heires, and successours, for all such fines for alienations, by any such last will or testament, without licence, by suing forth of the kings pardone for alienation out of the kings court of Chauncery, paying to the kinge his heires or successours, for the fine of euery such alienatiō, the third part of the pearly value of the same manours, landes, tenements, or other hereditaments, to him or the willed or deuised, & this act from time to time shall be a sufficient warrant, to the lord chauncellour of Englād, or keper of h great seale for the time being, for h graūting out of h saide pardo or pardos, vnder h kinges great seale

Willes.

as heretofore hath bene vsed for pardons for alienations, without any further suit to be made to the king for the same.

And it is further declared & enacted, by the authority aforesaid, that willes or testaments, made of any manours, landes, tenements, or other hereditamentes, by any woman couert, or person within the age of xxi. yerres, ideot, or by any person de non sane memorie, shal not be taken to be good or effectual in the law.

And be it further enacted by the authority aforesaid, that if any person or persons having estate of inheritauce, of or in, manours, landes, tenements, or hereditamentes holden of the king by knightes service in chiefe, or otherwise of the king by knightes service, or of any other person or persons by knightes service, hath geuen at any time sithen the xx. day of the said moneth of July. 1532. 8. Añ dñi 1540. or hereafter shall give, wil, deuise, or assigne, by will or other act executed in this life, his manours, landes, tenements, or hereditamentes, or any of the by fraude or couine, to any other person or personnes, for terme of yeares, life, or liues, with one remainder ouer in fee, or with diuers remainders ouer for time of yeares, life or in taile, with a remainder ouer in fee simple to any person or persons, or to his or their right heires, or at any time sithen the said xx. day of July hath conueied or made, or hereafter shal conuey or make by fraud or couine

con.

contrary to the true intent of this acte, any estates, condicions, mesnalties, tenures, or conueiāces, to the intent to defraude or dilcrease the kinge of his prerogatiue, primer seisin, liuerie, reliefe, wardship, mariages, or rightes: or any other Lord of their wardships, reliefes, heriots, or other profits which should or ought to accrue, grow, or come vn to them, or any of them, by or after the death of his or their tenant, by force & accordinge to the former estatute & of this present act & declaration. And the same estates and other conueyances, being found by office to bee so made or contriued by couin, fraude, or dysreceipt, as is abouesaid, contrarie to the true intent & meaning of the said former act, & of this acte: That then the king shall haue as well the wardship of the bodie & custodie of the landes, tenementes, and hereditaments, as liuerie, primer seisin, reliefe, & other profits, which should or ought to appertayne to the king, according to the true intent and meaning of the said former act, & of this present act, as though no such estates or conueiāces by couin, had neuer bene had or made vntil the said office be lawfully vndone by trauesse or otherwise. And that the other Lord & Lords, of whom any such manours, lands, tenements, or hereditaments, shal bee holden by knights seruice, as is aforesaide, shal haue their remedie in such cases, for his or their wardships of bodie and landes, by writ of right of warde, & shal distraine and

C c. j. make

make anowry or cognisance, by them selues or their bailifes, for their relikes, heritors, and other profiters, which should haue bene to them due, by or after the death of theyr tenaunt, as if no such estate or conueyance had bene had or made. Sauing and reseruing alwaies by the auctoritie aforesaide the right & title of the donors, feoffors, lessors, and deuisees thereof, against the saide deuifour and his heires, after the interest & title of the king or other Lord therein ended and determined.

Provided alwayes that this act, explanation, & declaration, or any of them, or any thing in this said act, explanation or declaration conteyned, shal not extende to the will or deuise of Sir John Gaynsford, late of Croyherst in the county of Surrey knight deceased: nor to the will or deuise of Sir Peter Filpot knight deceased: nor to the will or deuise of Richard Creswel late of Watlington in the county of South. gentleman deceased, nor to the will or deuise of Thomas Anton late of the countie of Berk. gentleman deceased, sonne of Sir Thomas Anton knight also deceased: or shalbe in any wise prejudicial or hurtfull to any person or persons, for or concerning any manors, landes, tenements, or heredytaments, conteyned or especified in the said willes or deuises, or in any of them, but that the said last willes and deuises, and euery of them shal stande, abide, remaine, and be, in the same case, force,

and effect in the law, to all intents, purposes, and constructions, as the said last wills and devises, and euery of them, were before the making of this acte, declaration and explanation, and of none other effect or force: this act, declaration, and explanation, or any of them, or any thing therein contained to the contrary thereof in any wise notwithstanding.

¶ Provided alway, & be it enacted by the authoritie aforesaid, that al and euery person and persons from whom the kinge or other Lord or Lordes, shall take any manors, lands, tenements, or hereditaments, for his or their full third part, or to make by his or their thirde part, shall and may by authoritie of this present act, in any of the cases aforesaid, upon his or their byll exhibited in the kings court of Chauncery, against all and euery suche person and persons, which shalbe intituled by or vnder any such will, gift, disposicion or deuise, to the other two parts, haue such contribution or recompence for the same, as by the Chauncelloz of Englande, or by the Keeper of the great seale of Englande, for the time being, shalbe thought good and conuenient.

See the Statute 34. H. 8. cap. 20.
of Recoveries.

C. ij.

Can

Recoveries.

An acte to embarre feyned recoveries of landes,
wherein the kinges Maiestie is in reuerfion.

Anno 34. H. 8. cap. 20.

Recoveries 4.

Where diuers of the kinges most noble
progenitors, and specially the kinge
our soueraigne Lord most liberally
aboue all other, hath geuen and graunted,
or otherwise prouided to his & their louing
and good seruants and subiectes, as well no-
bles, as other, manours, meases, lands, te-
nements, rents, seruices, and hereditaments
to them and to their heires males of their
bodies, or to the heires of their bodies law-
fully begotten, mynding at the time of such
giftes not onely to preferre and aduaunce
presently the donees, but also their heires
in bloud of their bodies, according to the li-
mitacion of the said giftes: to the intent
recompence for the seruice of such donees,
should not onely be a benefit for their owne
persons, but a continual profit & comoditie
to & for their heires coming of their bodies,
whereby such heires should haue in special
memorie and daily remembrance, the profite
that they haue & take by the seruice of their
auncestors done to the kinges of this realm,
and thereby be the better encouraged to do
like seruice to their soueraigne Lord, as to
their dueties of alleageaunce appertayneth.

And

And forasmuch as sundry such donees in
 taile, and their heires haue suffered & daily
 suffer by their consentes, but true and feyned
 recoveries to be had against them, with com-
 mon vouches or otherwise, of manors, mea-
 ses, landes, tenements, or hereditaments, so
 geuen, granted or provided in taile by the
 kings Maiestie, or his noble progenitors,
 as is aforesaid, to the intent by fraude, co-
 uin, and vndue meanes, not only to binde &
 defeat their heires inheritable by the limp-
 tation of such gifts, but also the king of his
 prerogative, wardship, primer seisin, and
 other his rightes, whereby questions and
 diuersities of opinion haue risen, and yet be:
 whether such feyned and but true recoveries
 against such tenants in taile, by their owne
 consent, of landes, tenements, or heredita-
 ments, wherof the reversion or remainder
 is in the kinge, at the time of such recovery
 or recoveries had, should after the death of
 the tenant in taile, bind the heires in taile or
 not. For the plaine declaration whereof, &
 to auoide & exting from henceforth diuersi-
 ties of opinions in such cases. Be it ordey-
 ned & enacted by authoritie of this present
 parliament, & no such feyned recovery here-
 after to be had, by assent of parties, against
 any such tenant or tenants in taile, of any
 landes, tenements or hereditaments, wherof
 reversion or remainder at the time of such
 recovery had, shalbe in the king, shall binde
 or conclude the heires in taile, whether any

C. liij.

condi-

Recoveries.

condition & alias common & voucher be had in any such feyned recoverie or not, but that after the death of every such tenant in taile against whom any such recovery shalbe had, the heires in taile may enter, haue and enioy the lands, tenements, and hereditaments so recovered, according to the forme of the gift of entaile: the saide recoverie or any other thing or things hereafter to be had, done, or suffered, by or against any such tenat in taile to the contrarie notwithstanding.

And be it also further enacted by thaus-
thoritie aforesaid, that the heires of everie such tenant in taile, against whom any such feyned recoverie shalbe had, shall take none advantage for any recompence in value against the vouchee or his heires.

Provided alway that this acte or any thing therein contained, be not in any wise prejudicial or hurtfull to the lessee or lessees of any such tenat in taile made or to be made by writing indented, of any manors, lands, tenements or hereditamentes, for terme of xxi. yeres, three yues, or vnder, whereupon the accustomed rent and rents or more, is or shalbe reserved yearely during the same terme or termes: but the same lessee & lessees, shal and may haue & enioy his or their terme and termes therein against the heire & heires of every such tenant in taile, according to the tenour, purpozt, and effect of the statute made in the xxxij. yeare of the raigne of our soueraigne Lord king Henry the vij.
any

any thing in this acte contained to the contrary thereof notwithstanding. † See Anno 32. H. 8. cap. 28, Leases 2.

¶ An acte that fines in townes corporate, shalbee made as the same in time heretofore haue bene. Anno 34. H. 8. cap. 22.

¶ Inrolmentes 3.

Where in the Parliamēt holden in the xxvij. yeare of our most dread soueraigne Lord kinge Henry the eight, † See the statute ment 32. H. 8. ca. 28. but all the printes be. 27. H. 8. Ideo Quare. † It was enacted by auctoritie of the said parliament amongst other, that no fine, feoffment or other acte or actes hereafter to bee made, suffered or done, by the husbände onely, of manors, landes, tenements, or hereditaments, being the inheritance, or the freeholde of his wife, duringe the coverture betwene them: shall in any wise be or make any discontinuance thereof, or be prejudiciall or hurtfull to the said wife, or to her heires, or to such as shall have right, title or interest by the same, by the death of such wife or wiues: but the same wife and her heires, and suche other to whome suche ryghte shall appertayne, after her decease, shall and maye then lawfullye enter into all suche manours, landes,

Et. vij. tence

Inrolmentes.

tenements and hereditaments, according to their rightes & titles therein, any such fine, feoffment, or other act to the contrary notwithstanding. Sithence þ making of which act, diuers doubts, questions, & ambiguities haue risen, that is to say, whether the recoveries and deedes inrolled, which be in nature of fines, & whereupon women couert haue ben vsed to be examined, taken, had, or knowledged, as wel in the cite of London, as in many other cities, boroughs, & towne within the realme of England, should bind al such women couert, that should happ to be examined vpon the same recoveries and deedes inrolled. In anoyding therefore all such ambiguities & doubts: Be it enacted by the king our soueraigne Lord, the Lords spiritual & temporall, & the commons in this present parliament assembled, & by authoritie of the same, that all recoveries, deedes enrolled, & releases heretofore knowledged & taken, or at any time hereafter to be taken & knowledged before the Mayors, aldermen, recorders, chamberlaines, or other head officer or officers, as wel of the cite of London, as of any other cite, borough or towne corporate within the realme of Englande, hauing power & authoritie to take & receiue the same, according to the laudable blages & customes of þ said cities, boroughs & towne and euery of them, shal be stand, & remayne of like force, strength, & effect, to all intents and purposes, as they or any of them were before

before the making of the said acte in the said
xxxij. yere of our said' soueraigne Lord: any
thing in the same conteined to the contrarie
in any wise notwithstanding.

¶ An acte against Vfurie: Anno 37.

H. 8. cap. 9.

¶ Vfurie 6.

Where before this tyme, diuers & sun-
dry actes, statutes, and lawes haue
ben ordeyned, had and made wthin
this Realme, for the auoiding & punishment
of Vfurie, being a thing vnlawful, & of o-
ther corrupt bargaines, shiftes, & chiuances,
which actes, statutes and lawes, ben so ob-
scure & darke in intents, wordes, & termes,
and vpon the same so many doubtes, ambi-
guities, and questions haue risen & growen,
and the same actes, statutes, & lawes ben of
so little force or effect, that by reason there-
of, litle or no punishment hath ensued to the
offendours of the same, but rather hath en-
couraged them to vse the same. For refoz-
mation wherof, be it enacted by the kinge
our soueraigne lord, by thassent of the lords
spiritual and temporal, and the commons in
thys present parliament assembled, and by
the aucthoritte of the same, that all & euery
the sayde actes, statutes, and lawes here-
tofoze made, of, for, or concerning Vfurie,
shiftes, corrupt bargaines, and cheuissances,
and

Vsurie.

and euery of them, and al peines, or faitures & penalties concerning the same, and euery part thereof, shall from henceforth bee utterly boide and of none effect, to al intents, constructions and purposes.

And be it further enacted by the auctoritie aforesaid, that no person nor persons, of what estate, degree, or condicion soeuer he or they be, from and after the last day of Januarie next comming, shall by hym selfe, factour, attourney, seruant or deputie, sell his marchandises or wares to any person or persones, and within thre monethes next after, by him selfe, factour, attourney, deputie, or by any other person or persons to his vse and behoofe, but the same marchandise or wares, or any part or parcel thereof, vpon a lesser price, knowing the to be the same wares or marchandises, that he before did so bargain and sell, vpon the paines and forfeitures hereafter limited in this estatute.

And be it also enacted by the same auctoritie, that no person nor persons, of what estate, degree, quality, or condicion soeuer he or they be, at any time after the said last day of Januarie next comming, by way or mean of any corrupt bargain, loan, exchange, chauce, shifte, interest, of any wares, marchandises, or other thing or things whatsoeuer, or by any other corrupt or deceitfull way or mean, or by any couin,ingin, or deceitfull way or conueyance, shall haue receiue,

receiue, accept or take in lucre or gaines, for the forbearing or geuing day of payment of one whole yere, of & for his or their money or other thing, than shalbe due for the same wares, marchandise, or other thing or things aboue the summe of x. li. in the hundred, & so after that rate & not aboue, of & for a more & lesse sume, or for a longer or shorter time, & no more or greater gaine or summe there vpon to be had, vpon þ paines & forfeitures hereafter in this act mencioned & contained.

And be it further enacted by aucthority aforesaid, that if any person or persons, at any time after the said last day of January, do bargain & sell, or lay to mortgage by any way or mean, any manors, lāds, tenements, or hereditaments, to any person or persons, vpon condicion of payment or non payment of any summe or summes of money, to be had, paid, or made, at any day certein, or before any such day by him that shall so bargain, sell, or lay to mortgage, the same manours, landes, tenements, or hereditamentes, that the same person or persons, to whom any such manors, lands, tenements, or hereditaments, shalbe so bargained, sold, or laied to mortgage, shal not by reason thereof, haue ne take in lucre or gaines of þ issues, reuenues & profits of þ same manors, lāds, tenemēts, or hereditamēts, aboue the summe of x. li. in the hundred for one whole yere, & so after þ rate abouesaid, for a more or a lesser sume, or for a longer or shorter time, and no more
nor

Vfurie.

nor otherwise, vpon the paines, forfeitures & penalties hereafter in this present statute limited and expressed.

And be it further enacted by the authority aforesaid, that if any person or persons of what estate, degree, qualitie, or condition soeuer he or they be, at any time after the saide last day of Januarie next comminge, shal do any act or acts, thing or things, contrary to the tenour, forme, and effect of this estatute, or any clause, article, or sentence contained in the same: that then all & euery offender & offenders therein, or in any part thereof, shal forfeit & lose for euery such offence, the treble value of þ wares, marchandise, & other thing or things, so bargained, sold, exchanged, or shifted, & the treble value of the issues & profits of the said manours, lands, tenements and hereditaments, so had taken, or receiued, by reaso of any such bargain, sale, or mortgage, & also shal haue and suffer imprisonment of his bodie, and make fine and ransom as the kings will & pleasure. The moitie of which forfeiture of the said treble value shalbe to the king, & the other moitie to him or them that will sue for the same in any of the kings courts by action of debt, bill, plaint, or information, in which action, bill, plaint, or information, no wager of law, essoine, or protection shal be admitted or allowed.

Provided alway & be it enacted by the authority aforesaid, that this acte nor any thing

things therein conteyned, shall not in any wise extend to any lawfull obligation, indorced with a condicion, nor to any statute or recognisance made and to be made, for the payment of a lesser summe, so that the same obligation, statute, or recognisance, be made for a true, iust, and perfitte debt, or for the performance of any other true covenantes made or to be made, upon a iust and true intent had betwene the parties, other then in cases of vsurie, interest, corrupt bargaines, shift, or chensance: ne yet shal extend to any recoverie, fine, feoffement, releas, confirmation, or graunt, made or to be made upon condicion with a true intent: other then to such recoveries, fines, feoffements, releases, confirmations, and grauntes, as shall be made upon condicion, extending to vsurie, interest, corrupt bargaines, shifts or chensance: any thing in this estatute contained, or any law, statute, or ordinance heretofore had, used or made, to the contrary, notwithstanding.

This acte was repealed by a statute made Anno 5. E. 6. cap. 20. and thereby was prohibited & punished the lending, giving, letting out, deliivering, or forbearing any summe &c. for any maner vsury, increase, lucre, gain or interest to be had, receiued or hoped for &c. which statute is also repealed. and this remained Anno 13. Eliz. ca. 8. which followeth hereafter.

Can

Tenures.

¶ An acte for Tenures holden in Capite,
Anno primo E.6. cap.4.

¶ Tenures i i.

Where before this tyme, ambiguities, questions, and doubties haue bene moued and stirred in diuers and sundry the kynges courtes of record, whether such honours, castels, manours, lands, tenements, and other hereditamentes are holden of the kinge in Capite, which any his louing subiectes do holde by knightes seruice, socage, or other seruices of the kinge, as of hys Duchies, Earledomes, Baronies, honors, castels, manours, landes, tenementes, fees, and seigniouries, whiche haue come to the handes and possession of diuers of his highnesse most noble progenitors, by attainder of treason, misprision of treason, attainder of Premunire and prouision had and done by acte of parliament, by verdict, confession, conviction, or vtlagarie, and offices or no offices thereupon found, or by the dissolution, surrender, or geening by to the kinge, or to any his noble progenitors, of any religious or ecclesiasticall houses or places, or of any manours, lands, tenements, and other hereditamentes, to any of the same religious or ecclesiasticall houses or places, in any waye apperteyninge or belongynge or no. By
meant

meanes of which doubt so moued, his sayde
humble and obedyent subiects and tenants
haue bene heretofore much vnquyeted, mo-
lested, and greued: wherefore the king our
loueraigne Lord, mynding and entirely de-
siring the quyetnes of his said subiectes,
and that the certaintie of his lawes in that
behalfe myght be knowen and declared to
his saide lounge subiectes. For a playne
declaration and resolution to bee had, of,
for and concerninge the premilles, at the
humble petition and sute of the Lordes
and Commons in thys present Parlyam-
ment assembled, doth ordeyne, declare, and
enact, by the assent of the Lordes spiritual
and tempozall, and of the Commons in
thys present Parlyament assembled, and
by the aucthoritie of the same, that all
suche Honours, Castelles, Manours,
landes, tenementes, and other heredita-
mentes, and euery of them, which now
bee, or at any tyme hereafter shalbee hol-
den of the kinge, or of anye of hys heires
or successours, by any of his sayde sub-
iectes by knightes seruice, Socage, or
otherwise, as of any of his or their Duke-
domes, Earledomes, Baronies, Castells,
manours, landes, tenementes, fees, or
seigniories, whyche bee come to the kinge
or hys most noble progenitours, or here-
after shall come to the kinge, hys heires
or successours, by meanes of anye
suche attaynder, conuption, vtlagarie,
or

Tenures.

or of any such dissolution, surrender, or ge-
 uing by of any religious or ecclesiasticall
 houses or places, or of any manors, landes,
 tenements, or hereditaments, to any of the
 saide religious or ecclesiasticall houses or
 places, in any wise belonging or appertai-
 ning, shal not from henceforth be adiudged,
 deemed, taken, or construed to any intent,
 construction or purpose, to be holden in Ca-
 pite, or as tenure in Capite: any ambiguitie,
 question or doubt heretofore moued to the
 contrarie notwithstanding. † See a like matter
 Magna charta cap. 31.

Provided alwayes, & bee it enacted by
 the anthozitie aforesaide, that this act or
 any thing therein contained, shal not in a-
 ny wise bee prejudiciall ne hurtfull to the
 king, his heires or successors, to, for, or con-
 cerning any wardship, liuery, primer seisine
 fine for alienation, or to or for any other
 profite or aduantage which now is come, or
 hereafter shal or may come, fall, or growe
 to the king, his heires or successors, by or
 from any person or persons, whiche nowe
 doth, or hereafter shal holde any honours,
 seignories, castels, manours, landes, tene-
 mentes or other hereditamentes of the king
 in chiefe, as of his person, or of any other
 his auncyent possessions, and being not
 come to the kinge by any suche attainder,
 confession, conuption, vtlagarie, dissolu-
 tion, geuing by, or surrender, as bee a-
 bouesaide.

¶ Pro

¶ Provided alwaies', and be it enacted by the authoritie aforesaid, that this presente act, or any thing therein contained, or specified, shal not in any wise, or by any meanes geue any aduantage, libertie, or profite to anie tenant or owner in fee simple, of anie honours, manours, landes, tenementes, or other hereditaments, which haue heretofore sued any special or general lincerie, & Duster le maine, out of the handes of the king, or of any his noble progenitors, of any honours, manours, lands, tenementes, or other hereditamentes, by what tenure or seruice they were, or be holden: or that haue', or shal confesse, by any matter of recorde, anye tenour in chiefe, of the kinge, but that they, their heires and assignes, shal haue and holde the same manours, landes, tenementes, and other hereditamentes, in like manner and fourme, as they did before the makinge of this present act, and as though this present act had neuer bene had ne made, any thing aboue declared and enacted to the contrarie notwithstanding.

¶ D. i.

Discontinuance of proces.

¶ An acte for the continuance of actions after the death of any king. an. 1. E. 6. cap. 7. Discontinuance of proces. 2.

From henceforth by the death. or demise of the kinges maiestie that now is (whose life almighty god long p̄serue, kepe and maintaine in his most royal estate) nor by the death or demise of any that hereafter shall be king of this Realme, any action, suit, bill, or plaint. now or that hereafter shall depend betwene partie and partie, in anye of the courtes aforesaid. & the kinges courtes. and other courtes of recor-des, shall not in anye wise be discontinued, or put wout day. But that the processe. p̄lees, demurres, and continuances in euery action, actions, suites, billes, or plaintes, which now or that hereafter shall depend, shall stand good and effectuell. & be p̄secuted & sued forth in such maner and fourme, and in the same estate, condition, and order, as if the same king had liued, or continued in full life, the death or demise hereafter of anie king of this Realme notwithstanding.

¶ And that all and all manner of iudiciall processe that hereafter shall be had, or pursued in the time of the raigne of anye other kinge, then raigned at the time of the pursuite of the originall, or other former processe, shalbe made in the name of the kinge, that

that for the time shall raigne, and be king of this Realme, and that variance touching þ same proceſſe betwene the names of þ kings shall not be in any wiſe materiall, as concerning any default to be alleaged, or objected therfore.

And also be it further eſtabliſhed and enacted by the authoritie aforeſaid that all and euerie Wiſe of nouel diſſeiſin, Wiſe of mortdaunceſtour, Iuris vtrum, and attaint which at any time hereafter ſhalbe arraigned, commenced or ſued befoze anye of the kinges Juſtices of Wiſe, ſhall not from henceforth bee diſcontinued or put without day, by reaſon of death, new commiſſion, aſſociation, or not comming of the ſame Juſtices of aſſiſe, or any of them, but ſhal ſtand good and effectuell in the law, to all intents, conſtructions and purpoſes, the death, new commiſſion, aſſociation, or not comming of þ ſame Juſtices, or any of them, in any wiſe notwithstanding.

And ouer that, be it ordeined and enacted by the authoritie aforeſaide, that albe it any demaundant or plaintife in anye maner of action, bill, or ſuite, ſhall fortune to bee made, or created, Duke, Archbiſhop, Marques, Earle, viſcount, baron, biſhop, knight, Juſtice of the one benche or of the other, or Sergeaunt at lawe, dependinge the ſame action, bill, or ſuite, yet that notwithstanding, that no writte, action, or ſuite, ſhall for ſuche cauſe, in anye wiſe be

Discontinuance of proces.

abatable or abated, but shall remaine in like force, goodnes, & strength, as the same was before: any lawe, or vsage to contrarie in any wise notwithstanding.

And also be it ordeined and enacted by the authoritie aforesaide, that albeit anye person or personnes being Justice of assise, Justice of Gaole deliuerie, or Justice of peace within any of the kings dominions, or being in anye other the kinges commissions whatsoeuer, shall fortune to be made, or created Duke, Archbishop, Marques, earle, viscount, baron, bishop, knight, Justice of the bench, or of the other, or sergeant at lawe, or shirife, yet that notwithstanding he and they shall remaine Justice and commissioner, and haue full power and authoritie to execute the same in like maner & forme as he or they might, or ought to haue done before the same.

And be it ordained and enacted by the authoritie aforesaid, that in al cases, where any person or persons heretofore haue bene or hereafter shalbe found guiltie, of any manner of treason, murther, manslaughter, rape, or other felony what soeuer, for the whiche iudgement of death shoulde or maye ensue, and shall be repried to prison without iudgement at y^e time geuen against him, her, or them. And guiltie, that those persons that at any time hereafter shal by the kinges letters patentes be assigned Justices to deliuer the gaole, where any such person or persons

sons found guiltye shal remayne, shal haue full power and authoritie to geue iudgement of death against such person so founde guilty & repried, as the same Justices (before whom such person or personnes was, or were founde guilty) might haue done, if their commission of Gaole deliuey had remained and continued in full force & strength. And ouer that, that no maner of processe, or suite made, sued, or had before any Justices of assise, gaole deliuey, Dier and terminer, Justice of peace, or other of the kinges commissioners, shall, ne in any wise bee discontinued by the making & publishing of any newe commission or allotiation, or by altering of the names of the Justices of assise, Gaole deliuerie, Dier and terminer, Justices of peace, or other the kinges commissioners, but that the newe Justices of assise, Gaole deliuerie, and of the peace, and other commissioners may proceede in euerye behalfe, as if the olde commissions, and Justices, and commissioners had still remained and continued not altered.

D d.ij.

Monasteries.

¶ An acte whereby certayne Chaunteries, colleges, free chappels, and the possessions of the same, be geuen to the kinges maiestie. Anno. 1. E. 6. cap. 14.

¶ Monasteries. 13.

The kinges most louing subiectes, the Lordes spirituall and temporall, and the commons in this present parliament assembled, considering that a great part of superstition and errors in Christian Religion, hath bene brought into the mindes and estimation of me, by reason of the ignorance of their very true and perfite saluation, through the death of Iesus Christ, and by deuising and phantasying vaine opinions of purgatorie, and masses satisfactorie, to bee done for them, which be departed. The which doctrine and vaine opinion, by nothing more is maintained and vpholden then by the abuse of Trentalles, Chauntries, and other provisions made for the continuance of the said blindnesse and ignorance. And farther considering and vnderstandinge that the alteration, chaunge, and amendement of the same, and conuerting to good and godlye blessing, as in erecting Grammer Schooles to the education of youth in vertue and godlinesse,

lines, the further augmenting of the Uni-
uersities, and better prouision for the poore
and needie, cannot in this present Parlia-
ment bee prouided, and couenientlie done,
nor can not, ne ought to anie other manner
personne be committed, then to the kinges
highnes, whose Maiestie, with, and by the
aduiſe of his highnesse moſte prudent coun-
saile, can and will moſte wisely, and benefi-
ciallie both for the honour of God, and the
weale of his Maiesties realme, ordey, al-
ter, conuert, and diſpoſe the ſame. And cal-
ling further to their remembraunce that in
the Parliament holden at Weſtmiſter the
xxvij. yeare of the reigne of our late So-
ueraigne Lorde kinge Henrie the eight, ſa-
ther to our moſte dread and naturall So-
ueraigne Lorde the kinge that now is,
ſcapit quarto. ¶ It was ordeined, enacted,
and eſtabliſhed amongſt other thinges,
that all and ſingular Colleges, free chap-
pelles, Chauntries, Hoſpitalles, Frater-
nities, Brotherheds, Guildes, and other
promotions, mencioned in the ſaide former
acte, had, or made to haue continuance in
perpetuitie for euer, and then beinge, or
that had, or oughte to bee contributozie
or chargeable to the payment of the firſte
fruites and tenthes, accor dyng to the
lawes and ſtatutes in that behalfe had, and
made, by what name, ſurname, degree, or cor-
poratiō, they or any of them were founded
ordeined eſtabliſhed, erected, named, called

Id. iiij.

ag

Monasteries.

or knowen, and all and singular the mansion
houses, mannours, orchardes, gardeynes,
lands, tenements, pastures, woods, waters,
rents, reuerſions, ſeruices, commons, tiſhes,
pencions, porcions, churches, chappels, ad-
uowſons, nominations, patronages, annui-
ties, rights, intereſtes, entries, conditions,
leetes, courtes, liberties, priuiledges, fran-
chiſes, and other hereditamētſ whatſoeuer
then appertaining, or belonging, or that did
appertaine, or belonge. or were aſſigned, or
appointed to any ſuch colledge, free chappel,
chauntrie, hoſpitall, fraternitie, brotherhed,
gilde, ſtipendarie prieſt, or other the ſayde
promotions, or to anie of them, or accepted,
knowen, or take as part, parcel, or member
of them, or of any of them: as to the ſaid col-
ledges, chauntries, free chappels, hoſpitals,
fraternities, brotherhed, gilde, ſtipendarie
prieſtes, or other promotions, or to anie of
them vniued or annexed, which betwene the
fourth day of februarye in the xxvij. yere of
the ſaid late kinges raigne, and the xxv. day
of Decēber in the xxxvij. yere of his graces
raigne, by reaſon of any entry, expulſion, bar-
gaine ſale, or feoffemēt, fine, recouerie, leaſe,
or other conueiance thereof made, were diſ-
ſolued, determined, or relinquished by any of
the waies, meanes, or conueiances, mencio-
ned in the ſaid acte, or otherwiſe, other then
ſuch of them, as then were in the poſſeſſion
of the ſaid late king, or that were graunted
or aſſured by his licence, agreement, conſent

or letters patents, to any person or persons
 or then had bene lawfully obtayned, or re-
 couered by any persō, by anye former right,
 or title, without fraude or couine, or by the
 kinges licence: shal from henceforth by auc-
 thoritie of the same former act, be adiudged
 and deemed, and also bee in the verie actuall
 and reall possession and seyson of the sayde
 late king and of his heires and successours
 for euer, in as large and ample manner, as y
 saide priestes, wardens, masters, ministers,
 gouernours, rulers, or other incumbents, or
 any of them, or the patrons, donours, or fou-
 ders of any of them at any time sithe the
 said fourth day of february in y xxvij. yere
 aforesaide, had, occupied, or enioyed, or then
 had, occupied, or emoyed the same, and as
 though all and singuler the saide colledges,
 chauntries, hospitals, free chappels, frater-
 nities, brotherheds, guildes, and other the
 saide promotions, and the saide manoures,
 landes, teneimentes, hereditamentes, and o-
 ther the premises, whatsoeuer they be, and
 euerie of them, had beene in the saide former
 acte, specially, particularly, & certainly, re-
 hearded, named, and expressed, by expresse
 wordes, names, surnames, corporations,
 titles, and faculties, and in their naturall
 kinds and qualities: the said entries, expul-
 sions, bargaines, sales, fines, feoffements, re-
 coueries, or other assurance, and conuicance
 whatsoeuer they were, had or made (except
 befoze in the former acte excepted) to the
 con-

Monasteries.

contrarie notwithstanding.

And where also it was enacted & graunted by the saide late king, by the sayde former acte, that the same late kinge during his natural life, might make and direct his commission and commissiōs vnder his great seale, to enter into al and singuler such and as manie Chauntries, free chappelles, hospitalles, colleges, and other the promotions, mentioned in the saide former acte, and into all and singuler such manors mansions, houses, meases, landes, tenements, pastures, woodes, waters, rentes, reuerſions, seruices, possessions, and other hereditamentes, whatsoeuer, or into anye part or parcell thereof in the name, season and possession of all the hereditamentes, annexed, vnited, belonging, or appertaininge to anie Chauntreie, hospitall, free chappell, colledge, fraternitie, brotherhed, gylde or other the saide promotions, or whereof anie priestes, prouostes, gouernours, rulers, or other incumbentes, of them, or anie of them, by what name, surname, degree, title, or corporation they, and euery of them, or anie of them were founded, erected, ordeyned, established, named, called, or knowen, then had or enioyed, or that hereafter shoulde haue, or enioye to the sayde chauntries, hospitalles, free chappelles, colledges, fraternities, brotherheddes, gyldeg, or other the said promotions, that then were chargeable to the payment of the

first

firste frutes and tenthes: and all colledges that were chargeable, or not chargeable to the sayde payment of the firste frutes, and tenthes as is aforesayde, or to some of them, as shoulde bee named, expressed and appointed in the saide commission, or commissions, and to lease and take the same chauntries, hospitals, colledges, free chappels, fraternities, brotherheddes, guildes, and other the said promotions, manoures, landes, tenements, and other the premises, mencioned in the said commission or commissions, and in euerye of them, and euerye parte, parcell and member of the same into the kinges possession and handes, to haue and to holde the same to the sayde late kinge, and to his heires and successours for ever, as by the sayde former acte amongst other thinges moze at large appeareth. It is nowe ordained and enacted by the kinge our Soueraigne Lord with the assent of the lordes and commons in this present Parliament assembled, and by the authoritie of the same, that all manner of Colledges, free Chappelles, and chauntries, hauing, being, or in esse within five yerres nexte before the firste daye of this present Parliament, which were not in actuall and reall possession of the sayde late king, nor in the actuall and reall possession of the king our soueraigne lord that now is, nor excepted in y^e said former acte in fourme abouesayde, other then as he shal by

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by the kinges commissions in foure here-
after mentioned shall be altered, transposed,
or chaunged, and all manours, landes, te-
nementes, rentes, tithes, pensions, porcions,
and other hereditamentes, and thinges a-
boue mentioned, belonging to them or any
of them, and also all manours, landes, tene-
mentes, rentes, and other hereditamentes,
and thinges aboue mentioned by any maner
of assurance, conueiance, wil, deuise, or other
wise, had made, suffered, knowledged, or de-
clared, geue, assigned, limited, or appointed
to the finding of any priest, to haue continu-
ance for euer, and wherewith, or whereby a-
ny priest was sustayned, mayntayned, or
found win five yerres next before þ firste daye
of this present parliamēt which were not in
þ actual and real possession of þ said late king
nor in þ actual & real possession of our soue-
raigne Lord the king that now is, and also
all annual rentes, profites, and emoluments
at any time within five yeaeres next before
the beginning of this present Parliament
employed, payed or bestowed, toward, or for
the maintenance, supportation, or findinge
of any stipendarie priest, intending by anye
act or writing to haue continuance for euer,
shal by the authoritie of this present Par-
liamēt, immediately after the feast of Easter
next comming, be adiudged and deemed, and
also be in the very actual and real possession
and seasion of the king our soueraigne Lord
and his heires, & successours for euer, wout
any

any office or other inquisition thereof to be had or found, and in as large and ample manner and forme as the priestes, wardens, masters, ministers, gouernours, rulers, or other incumbentes of them, or any of them, at any time within five yeres next before the beginning of this present parliament, had, occupied, or inioyed, or now hath, occupieth, or enioyeth the same, and as though all and singuler the said Colledges, free Chappels, chaunteries, stipendes, salaries of priestes, & the said manours, landes, tenements, hereditaments, and other the premisses whatsoever they be, and euery of them, were in this present acte specially particularly, and certainly rehearsed, named and expressed by expresse words, names, surnames, corporations, titles and faculties, & in their natures, kindes and qualities.

And ouer that be it ordained & enacted, by the authoritie of this present parliament that where any manours, landes, tenements, tithes, pensions, portions, rentes, profits, or other hereditamentes, by any manner of assurance, conueiance, will, deuise, or otherwise at any time heretofore had, made, suffered, knowledged or declared, were geuen, assigned, or appointed, to, or for the maintenance, sustentation, or finding of one priest, or of diuers priestes for terme of certaine yeres yet continuing, and that any priest hath ben maintained, sustained or found with the same or with the reuenues or profits thereof with
in

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In five yerres last past that the kinge, from the saide feaste of Easter nexte comminge shall haue and enioy in euery behalfe, for, and during all suche time to come, euerye such and like thinges, tenements, hereditamentes, profits, and emolumentes, as the priest or priestes ought, or should haue had for or toward, his, or their maintenaunce, sustenaunce, or finding, and for no longer, or further time, nor for anye other profite, aduantage or commoditie, thereof to be taken.

¶ Provided alwaye and it is ordayned and enacted by the authoritie of this present Parliament, that when and assoone as the time assigned, for the maintenaunce, sustentation, or finding of the priest or priestes shall be expired and runne, that then it shall be lawfull to euery person and persons, to whom any manours, landes, tenements, tithes, portions, pensions, rentes, and other hereditamentes, or any of them should haue belonged, or appertained, if the said former acte, and this acte had neuer bene had or made: to enter into, take, perceiue, haue, and enioy the same without any maner of liuerie, Duster le maine, petitio, or other suite to be made to the king, in like maner, forme and condition, to all intentes, constructions and purposes, as though the saide former acte, and this acte had neuer bene had, or made, and as though the kinge had neuer had any season, or possession thereof: any thing

in the saide former acte, or in this acte, to the contrarie in anie wise notwithstanding.

And be it ordeined and enacted by the authoritie of this present Parliament that the kinge our soueraigne lord, his heires, and successours, from the saide feast of Easter next comynge, shal haue, holde, perceiue, and enjoy for ever, all landes, tenementes, rentes, and other hereditamentes, which by any maner of assurance, conueiaunce, willes, will, devise or otherwise at any time heretofore had, made suffered, knowledged, or declared, were geuen, assigned, or appointed, to go or be employed wholly to the finding or maintenaunce of any anniuersarie, or obite, or other like thinge, intent or purpose, or of any light or lampe, in anie church or chappell, to haue continuaunce for ever, which hath bene kept or maintained within five yerres next befoze the saide first day of this present parliament.

And also that where but parte of the issues or reuenues of any manours, landes, tenementes, rentes, or other hereditaments, hath by any of the waies & meanes abovesaide, bene geuen, assigned, or appointed to bee bestowed or employed to the findinge or maintenaunce of anie anniuersarie or obite, or other like thinge, intente, or purpose, or of anie lighte or lampe in anye church or chappel, and to haue continuaunce for ever, that then our Soueraigne lord the

Monasteries.

the king shal from the said feast of Easter next comming, for ever haue, perceiue, and enioy such summes of money, that in any one yere with in fye yere next before the first day of this present parliament hath bene expended and bestowed about the finding or maintenance of any such anniuersary, or obit, or other like thing, intet, or purpose of any light or lampe, to him, his heires, & successors for ever, as a rent charge to be paid yerely at the feastez of saint Michaell the Archangell, and the annitiatioun of our Lady Saynte Marie the virgin, by even portionz in the kinges courte, of Augementations, and reuenues of his crowne, or in any other courte or courtess, as the kinge hereafter shal appointe. And that it shal be lawfull to our saide soueraigne Lord the king, his heires and successors, for non payment of any such somme or summes, of money, to distraine in the said manours, lands, and tenements of the issues and reuenues, whereof the saide annyversary, or obite, or other like thing, or any such lighte or lampe was found, sustained, or maintained. And that for lacke of sufficient distresse, in or by on any of the premises, whereof any of the said yerely rentes, or summes of money should be paid by the space of on moneth next after that any of the saide rents should be paid, & be not paid within the said moneth: that then it shalbe lawfull to and for our soueraigne Lord the king, his heires, and

and successors, by vertue of this present act, to enter into, and to haue and possesse as much of the landes, tenements, and hereditamentes, whereof the saide rent or rentes should bee leuied or payed, as the rent or rents that should be leuied or payed out of the same, doth or shall amount or come to in yearely value, and the same landes, tenements, and hereditamentes, to holde and keepe, and to haue to our said soueraigne Lord the king, his heires, and assignes for ever, or for such estate as our soueraigne Lord the kinge, his heires or successors, had, or ought to haue had, of, or in the saide rent or rents.

And it is also ordeined & enacted by the authozitie of this present parliament, that our soueraigne Lord the king, shal from the said feast of Easter next comminge, haue, perceiue, and enioy all and singular suche summes of money, profits, commodities, & emoluments, which by vertue of any manner of assurance, conueyaunce, composition, will, devise, or otherwise, heretofore haue bene geuen, assigned, limited, or appointed to haue continuance for ever, which in any one yere, within five yeres next before the beginning of this present parliament, haue bene payed, bestowed, or employed, by any manner of corporations, gylde, fraternities, companies, or felowships of misteries, or crafts or any of them, being in England, Wales, and other the kinges dominions, or

¶

C c. j.

by the

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by the Masters, wardeins, gouernours, or other officers or ministers, or by the master, wardein, gouernour, or other officer or minister of them or any of them, to ward or about the finding, maintenance, or sustentation of any priest or priestes, of any annuities or obyte, lampe, light, or lightes, or other like thing, as is aforesaid, to our said soueraigne Lord the kinge, his heires and successours for ever, to be payed yerely as a rent charge, at the feastes of Saint Michaell the Archangell, and the Annunciation of our Ladie, by even porcions, in the kings Court of Augmentations, and reuenues of his Crowne, or in any other court, or courtes, as the kinge hereafter shall appoint. And that it shalbee lawfull to our saide soueraigne Lord the kinge, his heires and successours, for non payment of anye such summes or summe of money, profite, commoditie, or emolument, or for non payment of any of them, to distreine in all the manors, landes, and tenements of every such craftes, corporations, guildes, fraternities, companies, or fellowships of misteries or craftes, or anye of them, by whom or by the masters, wardens, gouernours or other officers, or ministers, or master, wardein, gouernour or minister, of the which any such summes or summe of money, profit, commoditie or emolument, haue or hath beene payed, bestowed or employed. And that all and every of the saide summes of money

money, profits, commodities, and emolumentes, shall from the feast of Easter next comming, without any maner of inquisition or office to bee had or found, be iudged and deemed to be in the actuall & reall possession of our said soueraigne Lord the kinge, in like maner and fourme to all intentes, constructions, and purposes, as if the same had bene particularly and specially mencioned in this present acte.

And furthermoze be it ordeyned & enacted by auctoritie aforesaid, that the kinge our soueraigne Lord, shall from the sayde feast of Easter next comminge, haue and enioy to him, his heires and successours for ever, al fraternities, brotherheds, & guildes, being within the Realme of Englande and Wales, and other the kings dominions, and all manors, lands, tenements, and other hereditaments belonging to them or any of them (other then such corporations, guilds, fraternities, companies and fellowshipps of misteries or craftes, and the manours, landes, tenementes, and other hereditamentes, pertayning to the saide corporations, guildes, fraternities, companies, and fellowshippes of misteries or craftes, aboue mencioned,) and shall by vertue of this acte bee iudged and deemed in actuall & reall possession of our saide Soueraygne Lord the kinge, his heires and successours, from the said feast of Easter next comming for ever, without any inquisitions or office thereof

E. 7.

Monasteries.

thereof to be had or found &c. diuers things touching commissions, for the suruey and disposicion of the premises.

And also be it ordeined and enacted by thauthozitie of this present Parliament, that our soueraigne lord the king shal haue and enioy, all such goodes, cattells, iewelcs, plate, ornaments, and other moneables, as were or be the common goodes of euery such colledge, chauntrie, free chappell, or stipendarie priest, belonging or annexed to y fur-niture or seruices of their seuerall foundacions, or abused of any of the said corporations in the abuses aforesaid, the propertie where of was not altered nor chaunged before the eyght day of December, in the yeare of our Lord God M.D.xlvij.

And it is also ordeyned and enacted by thauthozity of this present parliamēt, that all such debts & summes of money, as ought or should without fraud or couin hereafter be paid of the money or goods of any of the said colleges, due or payable by reason of any contract, specialtie, or promise, had or made before the same eyght day, shal truly and fully be payed by the Treasourer of the kinges Court of thaugmentacions and reuenues of his crowne, or by the treasurer or receyuer of any other Court, to whiche any of the premises shalbe appointed, of the kinges treasure, being in hys or theire handes, with as conuenient speede as the same may be paid.

Provided

Provided alwayes, and be it ordeyned
 and enacted by the auctoritey aforesaid, that
 this act or any article, clause, or matter con=
 tained in the same, shal not in any wise ex=
 tende to any colledge, hostell, or hall, beeing
 within either of the Uniuersities of Cam=
 bridge and Oxforde, nor to any chauntrie
 founded in any of the colledges, hostelles or
 halles, being in the same vniuersities, nor
 to the free Chappell of Saint George the
 Martir, situat in the Castel of Wyndsoz,
 nor to the Colledge called saint Mary col=
 ledge of Wynchester, besides Wynchester, of
 the foundation of Bishop Wykham, nor to
 the colledge of Eaton, nor to the paryshe
 church, commonly called the Chappel in the
 sea in Neswton, within the Isle of Ely,
 in the Countie of Cambridge, nor to any
 mannozs, landes, tenementes, or heredita=
 mentes, to them or to any of them pertay=
 ning or belonging, nor to any Chappell
 made or ordeyned for the ease of the people,
 dwelling distant from the Parish church
 or such lyke Chappel, whereunto no moze
 landes or tenements, then the churchyard,
 or a litle house or close, doth belong or per=
 teine, nor to any Cathedrall church or col=
 ledge, where a Bishops see is within thys
 Realme of England, or in Wales, nor to the
 manozs, landes, tenements, or other heredv=
 tamentes, of any of them (other then to
 such chauntries, obytes, lightes, & lampes,
 or any of them, as at any time within fyue
 Cc, liij. yeres

Monasteries.

peres next befoze the beginning of this present parliamēt, haue ben had, bled, or main-
teyned within the said Cathedral churches,
or within any of them, or the issues, reue-
nues, or pzoofites of any of the said cathedral
churches, to which chauntries, obites, lights
& lampes, it is enacted by the aucthority a-
fozesaid, that this act shall extend.

And it is ordeyned and enacted by the
aucthoritie afozesaide, that our soueraigne
Lord the king at any time during his lyfe,
(which God long pzoferue) may at his wil
and pleasure, alter and chaunge the name or
names, of all and singuler chauntries, and
the foundations of the same, being in any of
the colledges, hostelles, or halles, of any of
the saide Uniuersties, according as to his
Godly wysedome shalbe thought meete and
conuenient.

Hauiug to all and euery person and per-
sons, bodies politike and corporate, their
heires and successours, and the heires & suc-
cessours of euery of them, (other then the
Masters, wardeins, Ministers, gouernors,
rulers, pzoestres, incumbents, fellowes, and
brethren of the saide colledges, chauntries,
free chappells, or other the pzoemisses, gra-
uen, limited, or appointed to the king by
this act, and the successours of them, and
euery of them, and other then such as be,
or pzoende to bee foundours, patrons, or
donours of the pzoemisses, or any of them, or
of any part or parcell thereof, & the heires,
suc-

successours and assignes of euery, or any of them: and other then such as bee, or were feoffees, recouerees, conisees, grauntees, or deuisees, of any of the premisses, to, or for any of the uses, purposes, or intents aboue mencioned, or to the use of any of the sayde colleges, free chappels, chauntries, or other the premisses, geuen, limited, or appointed by this acte to the king, or to the intent to employ the rentes or profites thereof, to the use of Masters, rulers, incumbents, or mynisters of them, or any of them: and other then such person and persons, and bodyes politike and corporate, their heires, successors and assignes, as claime or pretend to haue estate, right, title, interest, use, possession or condicion, of, in, or to the premisses, or any part or parcel thereof, by reason of any feoffement, fine, bargain and sale, or by any other wayes, meanes, or conueighance, to them made, of any estate of inheritance, without the said late kinges licence, assent, consent, or agreement, and without the licence, assent or agreement of the kinges Maiestie that now is, by anye of the saide deanes, masters, wardeins, mynisters, gouernours, rulers, priestes, or incumbentes, or by the foundours, donours, or patrons of them, or of any of them, all such right, title, clayme, possession, interest, rentes, annuities, commodities, commons, offices, fees, leases, lpyeries, lpyinges, pencions, portions, debtes, duities, and other profites,

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which

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Which they or any of them lawfully haue, or of right ought to haue, or might haue had in, of, or to any of the premisses, or in, of, or to any part or parcel thereof, in such lyke maner, forme, & condicion, to all intentes, respectes, constructions, and purposes, as if this acte had neuer bene had nor made, and as though the saide chauntries, colledges, and other the said promotions had still continued & remayned in their full being. And sauinge to all and euery patron, donour, foundour, or gouernour, of any suche colledge, chauntrie, free chappell, stipendarie priestes, and other the premisses, geuen, limited, or appointed to the king by this act, and the donour, feoffor, and geuer of the aforesaide landes, tenementes, or hereditaments, to them or any of them, or to anye uses or purposes befoze mencioned, all such rentes seruices, rentes secke, rentes charge, fees, annuities, profites, and offices: and also leases for terme of lyfe, lyues, and yeares, whereupon the accustomed rent or moze is reserued: as they or any of them lawfully had, percepued, and enioyed, in, out, or of, any the said promotions, or out of any of the said landes, tenements or hereditaments, befoze the first day of this present parliament.

And ouer that it is ordeined &c. that those then lyuing which had receiued any money for any of the premisses, should repay it, & of one clause by the premisses shalbe in the survey and order of the court of Augmentation.

And

And it is further enacted by aucthority
aforesaide, that if any of the said Masters,
wardeins, Ministers, rulers, gouernours,
priesstes, incumbents, or owners of any such
college, chauntrie, free chappel, or of any the
premisses, geuen, limited, or appointed to
the king by this act, or of any of them, within
the xxij. day of Nouember, in the xxxvij.
yeare of the Raigne of the said late kynge,
haue made any lease vnder his or their com=
mon seale or otherwise, for terme of yeares,
life, or liues, of their said colledges, chaun=
tries, free chappels, or of other the same pre=
misses, or of any part thereof, or of any ma=
nors, lands, tenements, possessions, or here=
ditaments, whatsoeuer they be, to them, or
to any of them, vnited or annexed, belöging
or appertayning. vpon the which leases, the
vsual and olde rentes and fermes accusto=
med to be payden and reserued, or more, by
the space of twentie yeares, next before the
said xxij. day of Nouember, not reserued &
payden, shalbe vtterly boide and of none ef=
fect. And that all other leases and graunts
heretofore made of any the premisses, geuen
limited, or appointed to the kinge by thys
acte, shalbe as good, auaylable, and effectuell
in the law, to all intentes, constructions &
purposes, as if this act had neuer ben had or
made: any thing in this act, or any other act
heretofore had or made to the contrary there=
of in any wise notwithstanding.

Prouided alwayes, & be it further or=
deyned

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Deyned and enacted by the auctoritie aforesaid, that this act or any thing therein contained, shall not extend to any manors, landes, tenements, possessions, or hereditaments, which the saide masters, wardeins, ministers, chauntrie priestes, incumbentes, or other the said gouernors, officers, ministers or rulers of the premisses, or of any of them, hath or is, or hereafter shal haue or be possessed or seised of, in fee simple, fee taylor general or special, for terme of lyfe, terme of yeres, or otherwise, to his or their owne propre vses, by inheritance or purchase: and not being at any tyme vnited or annexed to his or their saide colledges, free chapelles, chauntries, or other the premisses, geuen, limited, or appointed to the king by this acte, nor shall extend to any manors, landes, tenements, possessions, rentes, annuities, and yearely pencion or porcions, or to any yearely summe or summes of money, being not vnited, or parcel of any of the saide colledges, and other the premisses aforesaide, or of anye of them heretofore geuen or graunted by the saide late kinge, or geuen or graunted, or hereafter to bee geuen or graunted by the king our soueraigne Lord, to any of the said Deanes, Masters, wardeins, Ministers, Chauntrie priestes, Incumbentes, Gouernors, or Rulers of the premisses, or of any of them for terme of lyfe onely, vnder his great Seale of Englande, or vnder the seale of the Court of the
Aug

Augmentacions and reuenues of the kings crowne, or any other of the kinges seales of any of his courts: any thing cōteined in this act to the cōtrary in any wise notwithstanding

¶ Provided alway, and bee it enacted by aucthoritie aforesaid, that aswel all & euery patron, donour, foundour, and geuer of any of the said promotions or premisses, or geuer, donour, or feoffor of any their lāds, tenements, possessions, or other hereditamētts, as all and euery person and persons, bodiees politike or corporate, which befoze the makinge of this acte, lawfully without fraud or couine, had or enioyed any manner of rent, or other yearely profits to bee taken, percepued or had, of any chauntries, colleges, free chappels, or other the premisses, geuen, limited or appointed to the kinge by this acte, or out of any manours, landes, tenementes, or other possessions of them, or any of them, shal haue and enioy the same, in lyke manner and fourme, as they shoulde and ought to haue done, if the sayde colleges, chauntries, freechappels, & other the premisses, geuen, limited, or appointed to the king by this acte, had still remayned and continued in Esse, and full being: any thing in this act mencioned to the contrary in any wise notwithstanding.

¶ Provided also, & be it enacted &c. a dyscharge of those first frutes, which after the first day of thys parliament shoulde growe due for the premisses.

¶ Provided

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Provided alwaies, & be it enacted by the
Auctoritie aforesaid, y^e al such rents, serui-
ces, issues, profits & other summes of money
payable out of, or for any of the premises, or
any of them, in the kings court of his Ex-
chequer, shal continue, & be continually and
perely leuied, charged, or paid in the same
court, in such maner & forme, as heretofore
hath bene vsed: any law, custome, vntie of
possession in the kinges highnes, or other
thing to the contrary notwithstanding: and
as though the saide promotions, manors,
landes, tenements, and other the premises
had not come to the kinges handes or pos-
session.

And be it further enacted by the auc-
thortie aforesaid, that al & every letters pa-
tents made by the said late king Henry the
eyght, or by the kinges Maiestie that now
is, or hereafter to be made by his highnes to
any person or persons, or to any Archbishop
or Bishop, of any of the said colleges, chaun-
tries, free chappells, or other the premises,
or any part or parcel of them, or of any lads,
tenements, or hereditaments, belonging or
apperteyning, or that did belong or apper-
taine to them, or to any of them. And all
fines, giftes, grauntes, feoffements, recou-
ries, & al other assurances and conueyances
thereof had or made, by the assent, consent,
or licence vnder the great scale of England,
of the said late king Henry the eight, or of
the kinges Maiestie y^e now is, to any person
or per-

or persons, bodies politike or corporate, by any chauntrie priest, master, wardein, mynster, ruler, gouernor, or other hauing any of the said promotions, of any of the saide colledges, chauntries, free chapels, or other the premisses, or of any of them, or of any part, parcel, or member of the same, shall stand and be in their forces and effectes, and shalbe good and effectuell in the lawe, for such estates and interestes, geuen, graunted, limited, or appointed, in any of the gifts graunts, assurances, or conueyances thereof had or made, according to their purports, forme, and maner, and according to the true intent and meaning of the same assurances, and shalbe by aucthoritie of this acte good, perfitte, and auaylable aswell agaynst the kinge, his heires and successours, as agaynst the said chauntrie priestes, wardeins, masters, rulers, gouernors, and other hauinge any of the saide promotions and their successours, and the successours of euery of them: also agaynst the foundours, donours, and patrons of the same, and the ordinarie of them, and euery of them, and the heires and successours of euery of them: any lawe, statute, ordinaunce, or other thing to the contrary thereof notwithstanding.

¶ And where diuers and sundry bishops, deanes, archdeacons, treasourers, prebendaries, chauntrie priestes, masters, prouostes, rulers, gouernors of any deanries, archdeanries, treasurerhippes, prebendes, free chappels,

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chappelles, chauntries, or colledges, within this Realme of Englande, and other the kinges Maiesties dominions, or any of the Patrons, foundours, or donours, of any of the Bishopricks, Treasorerships, Deanries, chauntries, free chappells, or other the saide spirituall promotions, of their voluntarie willes or mindes, for dyuers good and reasonable causes and considerations, by dedde or deddes inrolled, or by other writings or conueyaunces heretofore geuen and graunted to the late kinge of famous memorie Henry the eyght, late kinge of Englande, and to his heires, or to our soveraigne Lord the kinge that now is, and to his heires, diuers of the deanries, archdeanries, Treasorershippes, Prebendes, chappells, chauntries, and colleges, or any other ecclesiasticall or spirituall promotions, last before remembred, and all or some part of the mannours, landes, tenementes, tythes, pencions, annuities, rentes, reuerfions, and other reuenues, hereditamentes, possessions, emolumentes and profits to the same Bishopricks, Deanries, colledges, and other like promotions, benefices, offices, and dignities, or to anye of them belonging, appertayninge, vnited or annexed, or which the saide Bishops, Deanes, Archdeacons, Treasurers, chauntre priestes, masters, prouostes, rulers, gouernours, and other ecclesiasticall or spiritual officers or ministers, or any of the said patrons,

patrons, donours, or foundours, or any of them, had or enioyed, in the right, or by reason of any of the same promotions, offices, or dignities.

¶ Be it enacted by the auctoritie aforesaide, that all and every giftes and graunts heretofore made to the said late kinge, and to his heires, or to our soueraigne Lord the king that now is, and to his heires, by any Archbishop, Bishop, Deane, Archdeacon, Treasorer, Prebendarie, master, Prouost, Gouvernour, or other the saide ecclesiastical or spirituall person or persons, or by any patron, donour, or foundour, of any of the saide deanries, chauntries, or other of the saide spiritual or ecclesiastical promotions, or of all or any of the manours, landes, tenementes, tythes, rentes, reuerfions, pensions, porcions, annuities, or other hereditaments, reuenues, emolumentes, profits, or commodities to any of the said benefices, offices, prebendes, promotions, or dignities belonging, apperteyninge, vnited or annexed, or which any of the same Archbishops, Bishops, Deanes, Archdeacons, treasurers, masters, prouostes, prebendaries, rulers, gouernours, officers, or ministers, patrons, foundours, or donours, had or enioyed, or haue or enioy, or ought to haue or enioy, in the right or by reason or meanes of any of the same promotions, offices, or dignities, shalbe good and effectual in the law to all intentes & purposes.

Having

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Saving to all & every person and persons, and bodies politike & corporat, their heires, successors and assignes, & to the heires, successors, and assignes of every of them (other then the archbishops, bishops, deanes, archdeacons, treasurers, prebendaries, rulers, gouernours, wardeins, prouostes, geuours, & grauntozs of any of the premilles, & theire heires, successors, and assignes, & other then such ecclesiasticall or spiritual persons, bodies politike or corporate, as are or pretend to be foundours, donozs, patrons, or ordynaries of the premilles, or any of them) all such, rightes, titles, interestes, claimes, entries, rentes, reuerfions, remainders, fees, offices, annuities, landes, tenements, hereditaments, profits, commodities, and emolumentes, as they or any of them haue, or should, or ought to haue had, of, in, or to the premilles next aboue mencioned, or any part thereof, as if this Acte had neuer bene hadde or made: any thinge in thys acte to the contrarie in any wise notwithstandinge.

Provided alwayes, that thys acte or any thinge therein conteined, shall not in any wise extende to make good or effectual, any gift, graunt, bargain, sale, or alienation made by any parson, or vicar, of their parsonages or vicarages, or of any part or parcel thereof, or of any thinge to them or any of them belonging or appertaining.

Provided also, that this act or any thing therein

therin contained. shall not in any wise extēd to hider or pzeiudice George Brooke knight lord Cobham, his heires or assignes. for, or concerning the late colledge of Cobham, in the countie of Kent, or the manours, lands, tenements or possessions therof, any thing aboue mentioned to the contrarie in any wise notwithstanding.

Provided also, and be it enacted by the authoritie aforesaide, that this present acte or any thig therē contained shal not in any wise extēde, or be pzeiudiciall or hartful to the generall corporation of any Citie, Buroughe, or Towne, within this Realme, or any other the kinges dominions, ne shal extēde to any the lands, or hereditamentes, of the, or anye of them, anye thing herein contained to the contrary in anye wise notwithstanding.

Provided also, and be it enacted by the authoritie aforesaide, that all such of the saide colledges, free chappels, chauntries, and other the pzeimises, being appointed & geuen to the kinges highnes, by the authoritie of this act, as be within the Duchie of Lancaster, and all manours, landes, tenementes, and hereditamentes, pertayning or belonging to the same colledges, free chappelles, and chauntries, shall after the said feast of Easter next comming, be within the suruey and order of the court of the Duchy, of Lancaster, in such maner and fourme, as other the pzeimises bee assigned or appointed by

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Monasteries.

authoritie of this acte, to bee in the surveye and order of the court of Augmentations and revenues of the kings crowne, or other court by the kinge to be assigned: and that all commissions, that hereafter shalbe awarded by vertue and force of this acte, concerning such colledges, free chappelles, chauntries, and other the premises, as be within the saide Duchie of Lancaster, shall be awarded vnder the great seale of Englande, and shall bee certified into the same court of the Duchye of Lancaster, anye thinge notwithstandinge to the contrarie in anye wise notwithstandinge.

Provided alwaies, and be it enacted by the authoritie aforesaide, that this acte, ne any thing therein contained, shall extend to the colledge, or chauntrie of Attelborough in the countie of Norfolke, which the saide late king Henry the eight, gaue to Robert, Earle of Sussex, and to his heires, but that Henry now Earle of Sussex, sonne & heire to the saide late Earle, his heires and assignes, shall and may by the authoritie of this acte, haue and enjoy the saide Colledge, and chauntrie, and al manours, lands, tenements, advowsons, tithes, pensions, portions, and other hereditamentes, thereunto belonging or appertaining, any thing in this acte to the contrarie in anye wise notwithstandinge.

Provided alwaies, and by the authoritie aforesaide, be it enacted, that the kinge

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Maſteſſie, at any time when it ſhal ſeeme to him good, may giue authoritie to certaine his graces comiſſioners, to alter the nature and condition of all manner of Obites, aſwel within the vniuerſities of Cambridge and Oxford, as in any other place within this his graces Realme of England, and Wales, being not ſuppreſſed ne adnichilate by vertue of this preſent acte, and the ſame Obites ſo altered, to diſpoſe to a better uſe, as to the reliefe of ſome poore mē being ſtudents, or otherwiſe.

¶ Provided alſo, and be it enacted by authoritie aforeſaid, that it ſhal not be lawfull to any perſon or perſons, bodies politike or corporate, by reaſon of any remainder, uſe, or conditione, to enter into claime, or challenge any lands, tenements, or hereditaments, for the non doing, not naming, or non finding of any ſuch prieſt, or prieſtes, or poore folkes, as is aforeſaid, Obite, anniuersarie, light, or lampe, from henceforth to be founded or done: any thing herein contained to the contrary in any wiſe notwithſtanding.

¶ Provided alſo, that this acte, nor any thing therein containned, ſhal not in any wiſe extende to anye landes tenementes, poſſeſſions or hereditamentes, whatſoeuer, that anie Maſter, Deane, Prebendary, Wardeine or chauntrie, or anye ſtipendary, prieſt of anie colledge, chauntrie, prebend, fraternity, gilde, or any other corporation

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haue, or held of any person or personnes, by copie of court rolle, or at wil, accordinge to the custome of any manour or manours, nor geue or graunt any copihold landes to the kinges highnes.

And also provided that the kinges highnes, his heires or successours, shal not in any wise haue, hold, enioy or take by vertue of this act, or any article therein contayned, any maner of copphold landes, tenements, possessions, or hereditamentes whatsoener they be, but that all and euerie of the said persons and incumbentes shal haue, holde, and enioy the same duringe their lines, towarde their pension and yerely living, paying the rentes, and doing their customes, and seruices thereof due and accustomed, any thing in this acte to the contrarie notwithstanding.

Provided that this actt shal not extend to any landes, tenementes, or hereditamets, assigned, appoynted, or intended for the findinge or maintenaunce of anye chauntrie priest, or stipendarie priest, which by any former right, and good title without fraud or couine, were lawfully recovered from the possession of any such chauntrie priest, or stipendarie priest, before the first day of October. the said xxxvij. yere of the raigne of the said late king Henry the eight, which landes, tenementes, and hereditamentes, were not charged, nor chargeable to the payment of the perpetuall tenth: any thing in this

this acte to the contrarie hereof notwithstanding.

¶ Provided alwaies, and be it enacted by the authoritie aforesaid, that all and singular grauntes, licences, confirmations, and letters patentes, which our late soueraigne Lord king Henrie the eight, or our soueraigne Lord king that now is, haue made vnder the great seale of Englande to any person or persones, bodies politike, or corporate, of any colledge, chappel, or chauntrie now being in esse, or standing, or now not being in esse, or not standing, or of any lordshippes, manours, landes teneimentes, and hereditaments, annexed, vnitied, belonging, or appertaining to any colledge, chappel, or chauntrie now being in esse, or standing, or now not being in esse, or not standing, or of any other thing or things, mentioned, expressed, or contained in any such graunt, licence, confirmation or letters patentes, shall from henceforth be deemed, taken, expounded, and adiudged good and effectall in the lawe, according to the words, sentences, meanings, intents, fourme, and effectes of the same grauntes, licences, confirmations, and letters patentes, to all intents, constructions, and purposes, as if this acte, and the saide act made in the said xxxvij. yere of the saide late king Henry the eight, had neuer bene had nor made: And that this acte, or the said act made in the said xxxvij. yere of the raigne of our said late soueraigne lord king Henry the

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Monasteries.

eight, or any clause, article, sentence or other thing therein contained, shall not extend to any Colledges, chappelles, chauntries, or other thing or thinges mentioned in this acte, now being in esse, or standing, or now not being in esse, or not standing, or to any manours, landes, tenements, possessions, reuenues, or hereditaments, annexed, vniited, belonging or appertayning to any colledge, chappell, chauntie, or other thinge mentioned in this acte now being in esse, or standing, or now not being in esse, or not standing, or to any other thing or thinges, mentioned or expressed in this acte, which anye person or personnes, bodies, politike or corporate, haue had, or obtained by the assente, licence, confirmation, graunt, or letters patentes of the said late king, or of the kinges Maiestie that now is, nor shall extende to any manours, landes, tenements, reuenues, possessions, hereditamentes, or other thinge or thinges, mentioned, expressed, or contained in anye suche licence, confirmation, graunt, or letters patentes, but that euery such person and personnes, bodies, politike and corporate, their heires and successours and assignes, and the heires, successours and assignes of euery of them, shall haue holde, and enioy, all and euery the same colledges, chappels, chauntries, manours, landes, tenementes, reuenues, possessions, and hereditamentes, and all and euery other thinge and thinges whatsoeuer, so by them had

had or obtained, by the assent, licence, confirmation, graunt, or letters patentes of the said late kinge, or of the kinges Maiesty that now is, according to the wordes, sentences, fourme, effect, meaning, and intent, of the same licences, confirmations, graunts, and letters patentes: this acte, or the sayd act made in the said xxvij. yere of the raigne of the said late kinge Henrie the eight, or any clause, article, sentence, matter, or thing mencioned, expessed, or contained in any of the same actes, to the contrarie thereof in any wise notwithstanding.

Offices.

An acte touching the finding of offices before the Eschetour. Anno secundo Edwardi 6. Cap. 8.

Eschetours. 15

Where many and diuers persons, holdinge, or that haue holden, lāds, tenements, or hereditaments, some for term of yeres, and some by copie of court rolle, haue bene expelled & put out of their times & holdes, by reason of Inquisition, or offices, founden before Eschetours, commissioners, and other, cōteining tenure

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of the kinge in capite, entitling the king to the wardshippe or custodie of suche landes, or tenementes, and sometime entitling the king to the same, vpon attaindours of treason, felonie, or otherwise, by reason that such leases for terme of yeares, or interest by copie of court rolle, of such persons haue not bene found in such inquisitions or offices: after which expulsion or putting out, the said persons haue bene without remedy, for the obtaining of the said fermes and holdes, during the kings possession therein, and can haue no Trauerse, Monstrance de droit, ne other remedie for the same, because their said interest, is but a chatel in the law or custodie hold, and no state of free hold. And also where any person or persons hath any rent, common, office, fee, or other profite Appreuder, of any state of free hold, or for yere, or otherwise out of such lands, or tenements specified in such offices, or inquisitions the said rent, common office, fee, or profite Appreuder, not found in the same office or offices, such persons are in like maner without remedie, to obtaine or haue the said rent, common, office, fee, or profite Appreuder, by any trauerse, or other speedy meane, wout great & excessive charges, during the kinges interest therein, by force of such inquisition or office.

¶ For remedie wherof, be it enacted by authoritie of this present parliament, that where any such office or inquisitions, is or

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shalbe founden, omitting such titles, interestes, or matters as is aforesaid, that in all such cases, euery lessee, tenant for terme of yerres, or copiholder, and euery such person & persōes, that haue, or shal haue, any interest to any rent, common or profite Apprender for terme of yerres, life, or otherwise, out of any the landes, tenementes, or hereditamentes, contayned in such office or inquisition, where the king his heires or successours is or shalbe intituled, as is aforesaide, to any such landes, tenementes, or hereditamentes, shall haue, holde, enioye, and perceiue, all and euerye their leases, and interestes, for terme of yerres, or by copie of court rolle, rents, commons, offices, fees, and profite Apprender, in such maner, forme, state and condition, as they and euery of them, shoulde or mighte, haue done, in case there had bene no such office, or inquisition found, and as they shoulde or lawfully might, or ought to haue done, in case such lease, interest by copy of court rolle rent, common, office, fee, or profite Apprender had bene founden in such office, or inquisition: any lawe, custome, or vsage to the contrary heretofore vled in such cases. in any wise notwithstanding.

And also, where it is or shal bee founden for the king, his heires or successours, that the heire or heires of his tenant, or tenants is or shall be within age, where in deede such heire or heires is, or shalbe at the same tyme of full age, or of a moze or greater age, then

Offices.

then is or shalbe contained within suche office.

¶ Be it further enacted by the authoritie aforesaid, that in euerie such case, such heire and heires, shal and may at his or their verie full age, or after, psecute & alias prosecute a writ of Estate probanda, and sue his or their liuerie, or Duster le maine, as his or their cases shall lye, and haue the profits of his or their lands, tenementes, or hereditamentes, from the time of his or their verie full age, any such vnttrue office or inquisition, or any lawe or custome to the contrarie in any wise notwithstanding.

¶ Also where one person or moe, is or shall be founden heire to the kinges tenaunt by office or inquisition, wher any other person is, or shalbe heire, or if one personne or moe, be or shalbe founden heire by office, or inquisition in one countie, and an other person or persons is or shalbe founden heire to the same persō in an other countie, or if any person be, or shalbe vntruely founden lunatique, ideot, or dead. Be it enacted by the authoritie aforesaide, that enery person & persons, greued, or to be greued by any such office or inquisition, shal and may haue his or their trauers to the same, immediatly, or after, at his or their pleasure, and procede to trial therein, and haue like remedie and advantage, as in other cases of trauers vpon vnttrue inquisitions or offices founden, any law, vsage, or custome to the contrary in any wise

wise notwithstanding.

¶ Also where it is or shall be hereafter vntreuly founden by office or inquisitions, that any person or persons atteinted, or that shalbe atteinted of treason, felony, or premunire, is or shalbe seised of any lands, tenementes or hereditaments, at any time of such treason felony, or offence, committed or done, or any time after, whereunto any other person or persons hath, or shal haue any iust title or interest of any estate of freeholde: that then in every such case, every pso & persons grieved therby, shal haue his or their trauers, or Monstrans de droit to p same, wout being driven to any peticio of right, & like remedy & restitution, vpon his or their title, founde or iudged for him or the therein, as hath ben accustomed & vbled, in other cases of traaverse although the kinges maiestie, his heires, or successours, be or shal be. in such case entytled to any such lands, tenementes, or hereditaments, by double matter of record: any lawe, custome or vsage to the contrary in any wise notwithstanding.

¶ And further be it enacted by the authoritie aforesaid, that where any inquisicio or office, is or shalbe founden, by these wordes or like. Quod de quo vel de quibus tenementa predicta tenet iurat pced. ignorant, or els founden holdē of p kinge Per que seruic. ignorat, or such like, p in such case, such tenure so vncertainely foundē. De quo vel de quibus tenēta pdicta tenent ignorant, shall not be taken for any immedi-

Offices.

Immediately tenure of the king, nor such tenure so founden of the king. Per que seruic. ignorant, shal not be taken anye tenure in capite, but in such cases, a melius inquirendū, to be awarded as hath bene accustomed in old time, anye vslage of latter time to the contrarie notwithstanding.

¶ And be it further enacted by authoritie aforesaid, that where it is or shalbe founden by any office, or inquisition, that any lands, tenements, or hereditamentes, are, or shalbe descended, remained, or common to any heire within age, and in the kinges ward, or that ought to be in the kinges ward, & that suche lands, tenements, or hereditamentes, are holdē of y^e king immediatly, where in dedde the lāe are or shalbe holden of some other common person, and not of the king immediatly: that in such case, such heire or heires, shal & may haue their traaverse to the same within age, and like remedy and restitution vpon his or their title founden or iudged for him or them therein, as hath bene accustomed & vslid in other cases of traaverses: anye lawe, vslage, or custome to the contrarie in anye wise notwithstanding.

¶ Also where the kinges Maiestie by his prerogative, ought to haue as well suche landes, and tenementes, as bee holden of other psons, as holden of him selfe immediatly, whereof his tenant holding of him selfe in chiefe, dieth seised his heire being within age, vntil such time as livery be sued by such heire

heire, and that the meane lordes, of whom the said other lands and tenements, of such heire be holden, be to spare the rentes due to them for the same landes or tenementes, holden of them, during the kings possession. And when such heire hath sued his or their livery they be by distresse, or otherwise to compell the said heire to pay to them the arerages of such rentes, for such time as the saide landes or tenementes, were in y^e kings possession by such minority. Where they should haue sued by petition to the kings maiestie, to haue obtained the same out of y^e kings handes, if they would haue the same, which is to the great detriment, losse, and hinderance of such heire and heires. For redresse whereof be it enacted by the authority of this present parliament, that from henceforth, such meane lordes, during such minority, shall haue, receiue and take the saide rentes by the handes of such the kings officers, as shalbe appointed to haue, receiue, & take the issues, reuenues, and profites of the same landes and tenements, so holden of such meane lordes, during the minority and nonage of such heire and heires, and vntill such heire and heires sue his or their livery, and that such heire and heires vntill such tyme as he or they shall haue sued their livery, or might conueniently haue sued their livery, shalbe thereof clerely discharged. And that such officer or officers shall vppon request made, pay, the same to such meane lordes (they

Offices.

(they giuing to such officer and officers, a sufficient acquittance, or acquitances, for the receipt of the same. And that such payment thereof made with acquittance, or acquitances thereof shewed, shal be to such officers a sufficient discharge, against the kinges maiestie, and his heires vpon his or their account in that behalfe: any lawe, vsage or custome heretofore had, or vsed to the contrary hereof in any wise notwithstanding.

Provided alwayes, and it is enacted by the authoritie aforesaide, that this acte, or anye thing therein contayned, shal not in any wise extende to any inquisition or office taken or founden, at any time before the xx. daye of March next comming, nor to hinder preiudice, or take away, the title, interest, or possession of our Soueraigne Lord the kinge, or of any other person or personnes growen, or comen by vertue, meane or occasion of any inquisition or office taken, or found before the same day, but that as well our said Soueraigne Lord the kinge, as all other person or personnes, hauinge any title, interest, or possession, by vertue, meane, or occasion of any inquisition or office found before the same daye, shall, and maye haue, holde, and enjoy the same in like maner and forme, as though this acte had neuer bene had or made, any thinge in the same acte to the contrary in any wise notwithstanding.

Provided also, and it is enacted by the
authoritie

authoritie aforesaide, that in all such cases as any person or personnes shall bee enabled by this acte to haue anye trauesse, and shall pursue his or their traueses, that then he or they that shall pursue suche trauesse, shall sue one writ, or seueral writes of Scire facias (as the case shal require) against all & singuler such person & persons as shal haue interest by the king, or by his patent or patents, in like maner and fourme as is requisite, vpon traueses, or petitions heretofore pursued. And that in euery such Scire facias, patentees, or other defendantes shal haue like pless, and aduauntages, as they had in any Scire facias, befoze this time awarded against any patentee in any case of petition. And also, that vpon euerie trauesse that shall bee pursued by vertue or meane of this ad, in such case as the partie or parties that shall pursue any such trauesse, shoulde by the order of the common lawes of this Realme, haue bene put to sue by petition to the kinge, there shalbe two writes of search graunted in maner & fourme as like writes haue bene graunted vpon petitions made to the king.

¶ Provided also, and it is enacted by the authoritie abouesaid, that if after any iudgment shalbe geuen vppon any trauesse, that shalbe tended, or sued by vertue or meane of this acte, it shall appeare by any matter of recorde, that the king hath anye other former title, right, or interest to the manours, landes

Tithes.¹

landes, tenementes, or other hereditaments, mentioned in the same trauers, that the same title, right, and interest, shalbe saued to the kinge, the sayde trauers and iudgement thereupon geuen, in any wise notwithstanding.

¶ Tithes.

¶ An act for payment of Tithes.

An. 2. E. 6. cap. 13.

¶ Tithes. 10.

Where in the Parliament holden at Westminster the iij. daye of February in the xxvij. yeare of the raigne of the late king of mosse famous memorie king Henry the eight. § cap. 20. Tithes. 5. there was an acte made, concerninge payment of tithes prediall and personall. And also in an other parliament holden at Westminster the xxij. daye of July, in the xxij. yeare of the raigne of the said late king Henry the eight. § cap. 7. Tithes. 8. § An other acte was made concerning true payment of tithes and offeringes, in which seuerall actes many and diuers thinges be omitted and left out, which were conuenient and very necessarie to be added to the same : In consideration whereof, and to the intēt the said tithes may bee hereafter truely payde, according to the minde of the makers of the saide acte: Be it ordeined and enacted by the kinge our soueraigne Lorde, with the assent of the
Lordez

Lordes spiritual and temporall, & the commons in this present parliament assembled, & by thauthoritie of the same, that not onely the said actes made in the said xxvij. and xxxij. yerres of the raigne of h^e said late king Henry the eight, concerning true payment of tythes, & euery article & braunch therein conteyned, shal abide and stande in their full strength and vertue. But also be it further enacted by the aucthoritie of this present parliament, that euery of the kings subiects shal from henceforth truely and iustly with out fraude or guile, deuide, set out, yeld and pay, al maner of their p^redial tithes, in their proper kind, as they run and happen, in such maner & forme, as hath bene of right yelded and paied, within fortie yerres next before the makinge of this acte, or of right or custome ought to haue bene paied. And that no person shal from henceforth take or carie away any such or lyke tithes, which haue bene yelded or paied within the said fortie yeares, or of right ought to haue ben paied, in the place or places tithable of the same, before he haue iustly deuided or set forth for the tithe thereof, the tenth part of the same, or otherwise agreed for h^e same tithes, with the Parson, vicare, or other owner, proprietorie, or sermo^r. of the same tithes, vnder the paine of forfaiture of treble value of the tithes so taken or caried away.

And be it also enacted by the aucthority aforesaid, that at all times whensoever, and

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Tithes.

as often as the saide prediall tithes shal be due, at the tithing time of the same, it to be lawfull to every partie to whom any of the said tithes ought to be paid, or his deputie or servant, to view and see their said tithes to be iustly and truely set forth and severed from the ix. partes, and the same quietly to take and carie away. And if any person carie away his corne or hay, or his other prediall tithes, before the tithe thereof be set forth, or willingly withdraw his tithes of the same, or of such other thinges, whereof prediall tithes ought to be paid, or do stoppe or let the Parson, vicar, propriety, owner or other their deputies or fermors, to view, take, or carie away their tithes, as is above saide, by reason whereof the sayd tythe or tenth is lost, impaired, or hurt: that then upon due p^{ro}ofe therof made, before the spiritual Judge, or any other iudge, to whom heretofore he might haue made complaint, the partie so carying away, withdrawing, letting or stopping, shal pay the double value of the tenth or tithe, so taken, lost, withdrawn, or caried away, over & besides the costes, charges, and expences of the suit in the same, the same to be recovered before the ecclesiasticall Judge, according to the kings ecclesiasticall lawes.

And be it further enacted by th^{at} authoritie aforesaide, that all and every personne which hath or shal haue any beasts or other catel tithable, going, feeding, or depasturing in

In any wast or common ground, whereof the parish is not certainly known, shal pay their tithes for the increase of the said cattel so going in the said wast or common, to the parson, vicar, propriety, portionarie, owner, or other their fermors or deputies of the parish, hamlet, town, or other place, where the owner of the said cattel habiteth or dwelleth. ¶ Provided alwaies, & be it enacted by the authoritie aforesaid, that no person shal be sued, or otherwise compelled to yeld, geue, or pay any maner of tithes, for any manors, lands, tenements, or hereditaments, whych by the lawes & statutes of this Realme, or by any priuiledge, or prescription, are not chargeable with the payment of any such tithes, or that be discharged by any composition reall. † See before 31. H. 8. cap. 13. †

¶ Provided alswaies, and be it enacted by
thaucthoritie aforesaid, that all such barren
heath, or wast ground (other then such as
be discharged for the paimēt of tithes by act
of parliament) which before this time haue
lien barren & paid no tithes, by reason of y^e
same barrennes, & now be, or hereafter shal
be improued & conuerted into arable ground
or meadow, shal from henceforth, after the
ende and terme of viij. yeares, next after such
improuement, fully ended & determined, pay
tithe for the corne & hay growing vpon the
same: any thing in this acte to the contra-
rie in any wise notwithstanding.

Provided alwaies and be it enacted by
G. g. ij. the

Tithes.

by authoritie aforesaide, that if any such barren, wast, or heath ground, hath before this time ben charged with the payment of any tithes, and that the same bee hereafter improued & conuerted into arrable ground or meadow: that then the owner or owners thereof, shall during vij. yerres next following, from & after the same improuement pay such kind of tithe as was paid for the same before the said improuement: any thinge in this acte to the contrarie in any wise notwithstanding.

And bee it also further enacted. by authoritie aforesaid, that every person exercising merchandises, bargaining and sellinge clothinge, handycraft, or other art or faculty, being such kind of persons, & in such places, as heretofore within these xl. yerres haue accustomedly bled to pay such personable tithes, or of right ought to pay, other the such as ben common day laborers, shall yearly at or before the feast of Easter, pay for hys parsonal tithes, p. p. part of his clere gaines, his charges & expences, according to hys estate, condicion, or degree, to be therein abated, allowed, and deducted.

Provided alwaies, & be it enacted, that in all such places where handy craftes men haue bled to pay their tithes within these xl. yeares, the same custome of payment of tithes to be obserued & to cont'ue: any thing in this acte to the contrarie notwithstanding.

And be it also enacted by the authoritie aforesaid

foresaid, that if any person refuse to pay his parsonall tithes in forme aforesaid: that the it shalbe lawfull to the Ordinarie of þe same dioces, where the partie (that so ought to pay the said tithes) is dwelling, to call the same partie before him, & by his discretion to examin him by all lawfull and reasonable meanes, other the by the parties owne corporate othe, concerninge the true payment of the said parsonall tithes.

¶ Provided alwaies, and be it enacted by the auctoritie aforesaide, that all and every person & persons, which by the lawes or customes of this realme, ought to make or pay their offrings, shal verely from henceforth, well & truely content & pay, his or their offrings to the Parson, vicar, propriatorie, or their deputies or fermers of þe parish or parishes where it shal fortune or happen hym or them, to dwell or abide: & that at such iij. offering dayes, as at any time heretofore within the space of iij. yeres last past, hath ben used & accustomed for the payment of the same, & in default thereof, to pay for their saide offrings at Easter then next following.

¶ Provided also, and be it enacted by the auctoritie aforesaide, that this acte or any thing therein cōteined, shal not extēd to any parish, which stands vpon, & towards þe sea coasts, the comodities & occupieng whereof consisteth chiefly in fishing, & haue by reason thereof, used to satisfie their tythes by fish, but þat al & every such parish & parishes shall

¶ g. iij.

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Tithes.

hereafter pay their tithes, according to the lawdable customes, as they haue heretofore of auncient time, within these xl. yeres, vsed and accustomed, and shal pay their offrings as is aforesaid.

Provided also, and be it enacted by the aucthority aforesaid, that this act or any thing therein conteyned, shall not extend in any wise to the inhabitants of the citie of London and Canterbury, & the suburbes of the same, ne to any other towne or place, that hath vsed to pay their tithes by their houses, other wise then they ought or should haue done before the making of this act: any thing contained in this act, to the contrarie in any wise notwithstanding. ¶ See 27. H. 8. cap. 21. & 37. H. 8. cap. 12. and the decree thereupon in the Collection of Statutes, Tithes 6. & 9.

And bee it further enacted by the aucthority aforesaid, that if any person do subtract or withdraue any maner of tithes, obventions, profites, commodities, or other duities before mencioned, or any part of the contrarie to the true meaning of this act, or of any other act heretofore made: that then the party so subtracting, or withdrauing the same, may or shalbe conuicted and sued in the kings ecclesiastical Court, by the partie from whom the same shalbe subtracted or withdrauen, to thintent the kings iudge ecclesiastical shall and may then and there heare & determin the same, according to the kings ecclesiastical lawes. And that it shall not

not be lawfull vnto the Parson, vicare, proprietye, owner, or other their sermons or deputies, contrarie to this acte, to conuient or sue such withholder of tithes, obventions or other duities aforesaide, before any other Judge then ecclesiastical. And if any Archbishops, bishops, chauncelors, or other iudge ecclesiastical, geue any sentence in the foresaid causes of tithes, obventions, profits, emoluments, and other duities aforesaid, or in any of them & (no appeale ne prohibition hanging) the party condemned do not obey the said sentence: that then it shalbe lawfull to every such iudge ecclesiastical, to excommunicate the said party, so as aforesaid condemned, & disobeying, in the which sentence of excommunication, if the said partie excommunicate wilfully stand and endure still excommunicate, by the space of fortye dayes next after, vpon denunciation & publication thereof, in the parish Church, or the place or paryshe, where the party so excommunicate is dwelling or most abyding, the said Judge ecclesiastical, may then at his pleasure signifye vnto the king into his court of Chauncery, of the state and condicion of the said partie so excommunicate, and thereupon to require proces De excommunicato capiendo to be awarded against every such person as hath bene so excommunicate.

¶ Be it further enacted by the aucthoritie aforesaid, that if any party at any time hereafter, for any matter or cause before rehearsed

¶ g. iiij.

limits

Tithes.

limited or appointed by this act. to be sued or determined in the kinges ecclesiasticall court, or before the ecclesiastical Judge, do sue for any prohibition in any of the kinges courts, where prohibitions before this time haue ben vsed to be graunted: that then in euery such case, the same partie before any prohibition shalbe graunted to him or them shal bring & deliuer to the handes of some of the Iustices or Judges of the same Court where such partie demaunded prohibition, the verie true copie of the libell dependinge in the ecclesiasticall Court, concerning the matter wherefoze the partie demaundeth prohibition, subscribed or marked with the hand of the same party: & vnder the copy of the said libel, shalbe writen the suggestion, wherefoze the partie so demaundeth the said prohibition: and in case the said suggestion, by two honest & sufficient witnesses at the least, be not proued true in the court where the said prohibition shalbe so graunted, with in vi. monethes next folloving after the said prohibition shalbe so graunted and aswarded: that then the partie that is letted or hindered, of his or their suit in the ecclesiasticall court by such prohibition, shall vpon his or their request & suite, without delay haue a consultacion graunted in the same case in the court, where the said prohibition was grated and shall also recouer double costes & damages against the party that so pursued the said prohibition, the said costes and dama-

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ges to be assigned or assessed by the Court, where the said consultation shalbe so graunted, for which costes and damages, the partie to whom they shalbe awarded, may haue an action of debt, by bill, plaint, or information in any of the kinges Courts of record, wherein the defendant shall not wage hys or their law, nor haue any essoine, or protection allowed or admitted.

Provided alwaies, and be it enacted by the auctorizty aforesaid, that this act or any thing therein conteyned, shall not extend to geue any Minister or Judge ecclesiasticall any iurisdiction to hold plee of any matter, cause, or thing, being contrarie or repugnāt to, or against the effect, intent, or meaninge of the statute of Westminster ij. the v. cap. the statutes of Articuli cleri, Circumspecte agatis, Silua cedua, the Treatise de Regia prohibitionē, ne against the statute of Anno primo Edwardi tercij the x. chapter, or any of them, ne yet hold plea in any matter whereof the kinges Court of right ought to haue iurisdiction: any thinge herein conteined to the contrarie in any wise notwithstanding.

Provided neuerthelesse, where heretofore such a custome hath ben in many partes of Wales, that of such cattel and other goods as hath ben geuen with the mariage of any person, their tiths haue ben exacted & leuied by the parsons and curates in those partes, which custome beeing dissonaunt from any part of this Realme, as it seemed when the
said

Limitation.

Said countrey of Wales, was through ciuill
discention vnculted, for want of other suffi-
cient profits, that might otherwise growe
to the Curates and ministers there, to haue
ben for that time tollerable, so now þ coun-
trei being well manured and husbanded, &
that tithe is duely paid there of cozne, hay,
wooll and cheese, and of other increase of all
maner of cattell, as it is commonly in all
other partes of this Realme, the same cus-
tome seemes to be greuous and vnrasona-
ble, specially where the benefices are els
sufficient for the finding of the saide My-
nisters and Curates: That it bee therefore
enacted by the authoritpe aforesaide, that
from and after the first day of May next
comming, no such tithes of marriage goodes
be exacted or required of any person within
the said dominion of Wales, or Marches of
the same: any thing in this acte conteined,
or any other acte, custome, prescription, had,
or made to the contrarie hereof, notwithstanding.

¶ An acte for the limitation of prescripcion in cer-
taine cases made in the second Session of
the first Parliament. 1. M. cap. 5.

¶ Limitation. 2.

The said former act made in the said xxxij
yere of the Raigne of the said late king
Henry 7 which is befoze 32. H. 8. cap. 2.
Limitacion 3.

Limitacion 3. ¶ or any article, clause, sentence, or matter therein contained, shal not extend to any writ of right of aduowson, Quare impedit, or assise of Darrein presentment, or iure patronatus, nor to any writ of right of ward, writ of Rausshment of ward, for the wardship of the body, or for the wardship of any castels, honours, manors, landes, tenements, or hereditaments holden by knights service, nor to the seiser of the wardship of the bodie of any warde or wardes, or to the seiser or wardship of any castels, honours, manors, landes, tenements, or hereditaments holden by knights service, but that all and euery person and persons, bodies politike and corporate, their heires and successours, the heires and successours of euery of them shall and may haue, mainteine, and pursue, all and singular the said writtes of right of aduowson, Quare impedit, assise of Darreine presentment, iure patronatus, writtes of right of warde, Rausshment of warde, and also seise the wardshippe both of the body, and of the castels, honours, manors, landes, tenements, & hereditaments holden by knights service, in like maner & forme, to al intents, constructions & purposes, as they or any of them should or might haue done, made, or pursued befoze the making of the saide acte, made in y^e said xxxij. yere & cap. 2. & as though the same acte had neuer beene had or made: any thing in the said former act to the contrary notwithstanding.

¶ An

Fraudulent deedes.

¶ An acte against Fraudulent deedes, gistes,
grauntes, alienations &c. Anno
13. Eliz. cap. 5.

¶ Fraudulent deedes. 1.



Of the auoydinge and abo-
lishing of feyned, couenous,
and fraudulent feoffements,
gistes, grauntes, alienati-
ons, conueyaunces, bondes,
suites, iudgementes, and
executions, aswel of landes and tenements,
as of goodes and cattels, moze commonlye
bused and practised in these dayes, then hath
bene seene and heard of heretofore: whych
feoffements, gistes, grauntes, alienati-
ons, conueyaunces, bondes, suites, iudge-
mentes, and executions, haue bene and
are deuised and contriued of malyce, fraud,
couine, collusion, or guyle, to the ende,
purpose, and intent, to delay, hynder,
or defraude creditours, and others, of their
iust and lawfull actions, suites, debtes, ac-
comptes, dammages, penalties, forfaitures,
heriots, mortuaries, and relieves, not onely
to the let or hinderance of the due course &
execution of law and iustice, but also to the
ouerthow of all true and plaine dealyng,
bargayning and cheuisance, betwene man
and

and man, without the whiche no common
wealth or ciuill societie can be mainteined
or continued. Be it therefore declared, or=
deyned & enacted by aucthoritie of this pre=
sent parliament, that all and euery feoffe=
ment, gift, graunt, alienation, bargaine, and
conueiance of landes, tenements, heredyta=
ments, goodes, and cattelles, or of any of
them, or of any lease, rent, common, or o=
ther profite or charge out of the same lāds,
tenementes, hereditameutes, goodes, and
cattels, or any of them, by writing or other
wise: And all and euery bonde, suit, iudge=
ment & execution, at any time had or made
sithence the begining of the Quenes Ma=
iesties raygne that now is, or at any tyme
hereafter to be had or made, to or for, any in=
tent or purpose, befoze declared and expres=
sed, shalbe from henceforth deemed & taken
(onely as against that person or persons,
his or their heires, successours, executours,
administratozs, and assignes, and euery of
them, whose actions, suits, debtes, accōpts,
dammages, penalties, forfaitures, heriotes,
mortuaries, and relieves, by such guylefull,
couenous, or fraudulent deuises & practises,
as is afozesaide, are, shall, or mought be in
any wise disturbed, hindered, delayed, or de=
frauded) to be clearely and vtterly voyde,
frustrate, and of none effect: any pretence, co=
lour, fayned consideration, expressing of vse,
or any other matter or thing to the contrary
notwith

Fraudulent deedes.

notwithstanding.

And be it further enacted by thauthoritie aforesaide, that all and euery the parties to such fayned, couenous, or fraudulent feoffement, gift, graunt, alienation, bargain, conueyance, bondes, suites, iudgements, executions, & other thinges before exprelled, or being priuie & knowing of the same, or any of them, which at any time after the tenth day of June next commynge, shall wittingly and willingly put in vze, auow, maintein, iustifie or defend the same, or any of them, as true, simple, and done, had or made, bona fide, and vpon good consideration, or shall alpen or assigne any the landes, tenements, goodes, leases, or other thinges before mencioned, to him or them conueyed, as is aforesaid, or any part thereof, shall incurre the penaltie & forfeiture of one yerres value of the said landes, tenemets, and hereditaments, leases, rents, commons or other profits, of, or out of the same, & the whole value of the said goodes and cattels, and also so much money, as are or shalbee conteyned in any such couenous and fayned bonde: the one moitie whereof to be to the Quenes Maiestie, her heires & successors, and thother moitie to the partie or parties greued by such fayned and fraudulent feffement, gifte, graunt, alienation, bargain, conueyance, bondes, suites, iudgements, executions, leases, rentes, commons, profits,

sites, charges, and other thinges aforesaid, to bee recovered in any of the Queenes Courtes of recozde, by action of debt, byll, plaint, or information, wherein none es- soine, protection, or swager of law shalbe admitted for the defendant or defendaunts, and also being thereof lawfully convicted, shall suffer imprisonment for one halfe yere without baile or mainprise.

¶ Provided alwaies, and be it further enacted by the auctoritie aforesaide, that whereas sundry common recoveries of land tenements, and hereditaments haue heretofore ben had, and hereafter may bee had against tenant in taile, or other tenant of the freehold, the reversion or remainder, or the right of reversion or remainder then being in any other person or persons, that every such common recoverie heretofore had, and hereafter to be had of any lands, tenements, or hereditaments, shall as touching suche person and persons, whiche then had any remainder or reversion, or right of remainder or reversion, and against the heires of every of them: stand, remaine, and be of such lyke force and effect, and of none other, as the same should haue bene, if this acte had neuer bene had ne made.

¶ Provided alwaies, & be it further enacted by thaurthority aforesaid, that this act or any thing therein contained, shal not extend to make void any estate or conueiance,
by

Fraudulent deedes.

by reason whereof any person or persons
shal vse any vouches in any writ of Formedon
now depending, or hereafter to be depending,
but that all & every such vouches in any
writ of Formedon, shall stand and be in lyke
force and effect, as if this act had neuer bene
had ne made: any thing before in this acte
conteyned, to the contrarie notwithstanding.

Provided also, and be it enacted by the
authoritie aforesaide, that this acte, or any
thing therein contained shal not extende to
any estate or interest in landes, tenements,
hereditaments, leases, rents, commons, pro=
pries, goods, or cattels, had, made, conueyed,
or assured, or hereafter to be had, made, con=
ueyed, or assured, which estate or interest, is
or shalbe vpon good consideration, & bona fide
lawfully conueyed or assured to any person
or persons, or bodies politike or corporate,
not hauing at the time of such conueyance
or assurance to them made, any maner of no=
tice or knowledge of such couine, fraude, or
collusion, as is aforesaid: any thing before
mencioned to the contrarie hereof notwith=
standing. This act to endure vnto the ende
of the first session of the next parliament, &
An. 14. Eliz. ca. 4. continued vnto the ende
of the next parliament, and 27. Eliz.

cap. 11. continued vnto the
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An Acte that the exemplification or constat of letters patents, shal be as good and auailable as the letters patents them selues
 An 13. Eliz. cap. 6. Graunts 3.

FOr the auoiding of al such doubts, questions, and ambiguities, as heretofore haue risen and bene moued, and of such as hereafter might rise and be moued, in and vpon the statute made in the parliament begunne and holdē at Westminster the iij. day of Nouember, in the thirde yere of the raigne of our late soueraigne lord king Edward the sixt, entituled an act concerning graunts and gifts, made by patentees out of letters patents, which is 3. E. 6. cap. 4. Grauntes 2. and for a due and full supply of all such wantes as may bee thought to be therein: Be it enacted and declared by the authority of this present parliament, that al and euery patentee and patentees, their heires, successors, executors, and assignes, and all and euery other person and persons, hauing by, or from them or any of them, or vnder their title: any estate or interest, of, in, or to any landes, tenements, or hereditaments, or any other thing whatsoeuer, to such patentee or patentees heretofore graunted by any letters patents, either of the most famous princes king Henry the eight, king Edward the sixt, Queene Mary, king philip & Queene Mary, or by any of them, or by the Queens most excellent Maiestie that now is, at any
 H. 4. time

Grauntes.

time thence the iij. day of February. in the
xxvij. yere of the raigne of the said late king
Hery the eight. or els by the Quenes ma-
iestie that now is, her heires or successours,
at any time hereafter to be graunted, shall
and may at al times hereafter, in any of the
Quenes highnes courts, her heires, or suc-
cessours, and els where, by the auctoritie of
this pzeent act, make and conuey, & bee al-
lowed and suffered to make and conuey, to
& for him, thē, & euery of them selues, such
claime, or title, by way of declaratiō, plaint,
auowzie, barre, replication, or other plea-
ding whatsoeuer, aswel against y^e Quenes
highnes her heires, & successours, & euery of
them, as against al & euery other pson & p-
sons whatsoeuer, for or concerning y^e lands,
tenements, hereditaments, or other things
whatsoeuer spetsyfied or contained in any
such letters patents, or of, for, or concerning
any part or parcel thereof, by shewing forth
an exemplification or constat, vnder y^e great
seale of Englād, of the inrolment of y^e same
letters patētis, or of so much thereof, as shal
and may serue to, or for such title, claime, or
matter, the same letters patents then being
and remaining in force, not lawfully surren-
dred nor cancelled, for or concerning so much
& such part and parcell of such lands, tene-
ments, hereditaments, or other thing, where-
unto such title or claime shalbe made, as if
the same letters patents selfe were pleaded
and shewed forth: any lawe, vsage, or other
thing

thinge, whatsoeuer to the contrarie notwithstanding.

¶ An Acte against Vsury Añ 13. Eliz. Cap. 8.

¶ Vsurie. 6

Where as in the Parliament holden the xxxvij. yere of the Raigne of our late soueraigne Lord king Henrpe the eight of famous memory hcap. 6. Vsurie 6. & there was then made & established one good acte for the reformation of vsurpe, by which act y vice of vsury was wel repressed & especially the corrupt cheuifance & bargaining by way of sale of wares, & shifts of interest. And where since y time by one other act made in the v. & vi. yeres of the raigne of our late soueraigne lord king Edward the 6. hca. 20. the said former act was repealed, and new prouisoos for repressing of vsurpe deuised and enacted, which said latter acte hath not done so much good as was hoped it shoulde, but rather the said vice of vsury, and specially by way of sale of wares and shifts of interest, hath much more exceedingly abounded, to the vtter vndoing of many gentlemen, marchants, occupiers & other, & to the importable hurt of the comon wealth, as wel for y in y said later acte there is no prouision against such corrupt shifts and sales of wares, as also for y there is no difference of paine, forfaiture, or punishment, vpon the greater or lesser exactions &

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Vsurie.

oppressions, by reason of lones vpon vsury: Be it therefore enacted, that the said later statute made in the v. and vi. yeares of the raigne of king Edward 6. sca. 20 & every branch and article of the same, from & after the xxv. day of June next comming, shalbe vtterly abrogated, repelled, & made voide, & that the said acte made in the said xxxviij. yere of king Henry the eighth sca. 6. & from & after the saide xxv. day of June next comminge shalbe reuiued, & stand in full force, strength and effect.

And be it further enacted, that al bondes, contracts, & assurances, collaterall or other, to be made for payment of any principall, or money to be lent, or conenant to be perfourmed vpon or for any vsury, in lending or doing of any thing against the said act now reuiued, vpon or by which lene or doing, there shalbe reserued or taken aboue the rate of x. poundes for the hundred for one yere, shall be vtterly voide.

And be it further enacted, that all Brokers, solicitors, & diuers of bargaines, for contracts or other doings against the sayde statute now reuiued, wherupon shalbe reserued or taken moze then after the rate of x. li. for the lene of C. li. for a yere, shalbe to al intents & purposes, iudged, punished, & vsed as Counsellours, attourneis, or aduocates, in anie case of premunire.

And forasmuch as all vsury being forbidden by the law of God, is sinne & detestable: Be

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ble: Be it enacted that al vsury, lone, & forbearing of mony, or geuing daies for forbearing of money by way of lone, cheuisaunce, shifts, sale of wares, contract, or other doings whatsoever for gaine, mentioned in the said statute which is now reuiued, whereupō is not reserued, or taken, or couenanted to be reserued, payde, or geuen to y^e lender, contractor, shifter, forbearer, or deliuerer, aboue the summe of x. li. for the lone or forbearing of a C. li. for one yere, or after y^e rate for a more or lesser summe or time, shalbe fro the xxv. day of June next cumming, punished in fourme folowing, that is to say, that euery such offender against this brāich of this presēt statute, shal forfeit so much as shalbe reserued by way of vsury, aboue the principall, for any money so to be lent or forborne. All such forfeitures to be recouered & imploied as is limited for forfeitures by the saide former statute now reuiued.

And be it further enacted that Iustices of Oier & Terminer, & Iustices of assise in their circuits, Iustices of peace in their sessions, maiors, sherifes, & bailifes of Cities, shal also haue ful power & authorite to enquire, heare, & determine, of all and singuler offences committed against the said statute now reuiued.

And be it further enacted, y^e the said statute now reuiued, shalbe most largelie and strongly construed for the repressing of vsury & against al persons that shall offend against

Usurie.

the true meaning of the said statute by any way or deuise, directly or indirectly.

Provided alway, that this statute doth not extend, nor shalbe expounded to extend vnto any allowances or paymentes for the finding of Orphanes, according to the ancient rates, or customes of the cite of London, or any other Citie where like order is for the custodye of Orphanes & their goods as in the said city of London.

Provided alwaies, and bee it further enacted by the authoritie aforesaid, that if any person or persons, shall from & after the said xxv. day of June, offende contrarie to the said statute reuiued by this present act made in the xxvij. yere of the raygne of the said late king Henry the eyghtth. 6. that then al and euery such offendour and offenders, shal and may also be punished & corrected, according to the Ecclesiastical lawes heretofore made against vsurie. And that all and euery person and persons offendinge in vsurie, shiftes, or cheuillance against this present act, and not taking or receiuing but onely after the rate of x. pounds in the hundred, or vnder, for a yere, shalbe onely punished by the paines & forfeitures prouyded and appointed by this acte againste such as shall not take or receiue ouer and aboue the rate of x. poundes in the hundred for a yere, and not otherwise. This act to continue and endure for and during the space of five yeres, next after the end of this present

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Parliament, and from thence vnto the ende of the first Session of the Parliament then next ensuing.

And be it further enacted by the authoritie aforesaide, that if this present act shall not be continued in the first Session of the Parliament next ensuing the said terme of v. yeres, and then in the same Session no other statute or promission made against blury or corrupt cheuifance, y then all & euery the lawes & statuts repelled by this act, shal remaine and be of such like force & effect, as if this present act had neuer bene had ne made. Vide 5. E. 6. ca. 20. 9. This statute of 13 Eliz. is continued by 27. El. ca. 11. to the ende of the next Parliament.

An Acte against fraudes, defeating remedies for dilapidations of Ecclesiastical liuings, & for

Leases to be graunted by collegiat churches 13. El. cap. 10.

Leases 4.

For that long & vnreasonable leases made by colleges, Deane & chapters, parsons, vicars, & other hauing spiritual promotions, be the chiefest causes of dilapidations & the decay of al spirituall liuings & hospitalitie, & ytter impouerishing of al successors incumbents in the same. Be it enacted by the authoritie aforesaid, that from henceforth al leases, giftes, graunts, feoffements, conveyances

Leases.

conueyances, or estates, to be made, had, done, or suffered, by any master & fellows of any colledge. Deane & chapter of any Cathedral or collegiat church, master or gardian of any hospital, parson, vicar, or any other hauinge any spiritual or ecclesiastical liuing, or any houses, lāds, tithes teneants, or other hereditaments being any parcell of the possessions of any such college, Cathedral church, chapter, hospitall, personage, vicarage, or other spiritual promotion, or any waies appertaining or belonging to the same, or to any of the, to any persō or persons, bodies politike or corporate (other then for the terme of xxj. yerres, or thre liues, frō the time as any such lease or graūt shalbe made or graūted, wherupō the accustomed yerely rent or moze shalbe reserued & payable yerely during the said terme) shalbe utterly void & of none effecte to al intents, constructions, & purposes: any law, custome, or vsage, to the contrary any waies notwithstanding.

¶ Provided neuerthelesse, and be it enacted by chaunthority aforesaid, y this act nor any thing therein contained, shalbe taken or construed, to make good any lease, or other grāt to be made by any such colledge, or collegiate church, within either of both the Uniuersities of Oxforde & Cambridge, or els where within the Realme of Englande, for moze yerres then are limited by p priuate statutes of the same Colledge.

¶ Provided alwaies, that this act shal not extende

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extende to any lease hereafter to be made by-
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 conteine more yeaeres then the residue of the
 yeres of the former lease now continuinge
 shalbe, at the time of such lease hereafter to
 be made, nor any lesse rent then is reserved
 in the said former lease. ¶ See a statute made
 1. Eliz, which is byp^rinted concerninge ex-
 chaunges to be had betwene the Queenes
 Maiestie & Bishops, what leases & assurā-
 ces bishops may make. Leases 4. See also
 one other statute made the sayd 13. yere ca.
 20. Leases 5. and certaine b^raunches of the
 statute made 14. Eliz. ca. 11. touchinge lea-
 ses, & charges by such incumbents, & the o-
 ther matters of this statute: which are omit-
 ted, because they are not yet perpetuall.

¶ Recoueries.

¶ An Acte for the auoidinge of recoueries suffred
 by collusion by tenants for terme of life, and
 such others. An. 14. Eliz. cap. 8.

¶ Recoueries. 5.

Where diuers persons being seised, or
 that had bene seised of landes, tene-
 mentes, and hereditamentes, as te-
 nautes by the curtesie of England, tenants
 in taile after possibilitie of issue extincte, or
 otherwise, onely for terme of life or liues, or
 of

Recoveries.

of estates determinable bypon lyfe or lines, haue heretofore permitted & suffered, other persons, by agreement or couine betwene the had, to recouer the same landes, & tenementes & other hereditaments against the same particuler tenants, in the Queenes Maiesties court, or haue permitted & suffered themselves to be bouched by other persons, by agreement or couin betwene them had in recoveries suffered of the same lands, tenementes, & other hereditaments, in the Queenes Maiesties court, to the great prejudice of those to whom the reuerſion or remainder thereof hath appertained, or ought to appertaine.

¶ For remedy whereof, be it enacted by the Queenes most excellent Maiestie, with the assent of the Lordes spirituall and temporal, & the commons in this present parliament assembled, & by authority of the same that at such recoveries, hereafter to be had or prosecuted, by agreement of the parties, or by couin, as is aforesaide, against any such particuler tenaunt of any landes, tenementes, or hereditaments, whereof the same particuler tenant is, or hereafter shalbe seized of any such particuler estate as is aforesaid, or against any other, with boucher ouer of any such particuler tenaunt, or of anye hauing, or that had right or title to anye such particuler estate or tenauncy, as is aforesaide: shall from henceforth, as against such person or personnes to whom anye reuerſion or remainder thereof, by force of any

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conuetance or deuise befoze that time had or made, shall, ought, or lawfully may appertaine, & against their heires & successours, be clerely & vtterly boide & of none effect: anie law or vsage heretofore had to the contrary thereof, in any wise notwithstanding.

¶ Prouided alway, that this act nor any thing therein contained, shal not extēd, or be prejudiciall to any person or persons, that shal hereafter by good title, recouer any lāds tenementes, or hereditamentes, wythout fraud or couin, by reaso of any former right, or title, but that al & euery such recovery, & recoveries, so to be had or prosecuted bypon former rights or titles, shal stand and be in lyke force, strength & effect, as they were befoze the making of this act: any thing herein contained to the contrary in any wise notwithstanding.

¶ Prouided also, that al & euery such recovery & recoveries, to be had or prosecuted, of any lands, tenements, or hereditaments, as aforesaid, by the assent & agrement of any person or persons, to whom any reuerſio or remainder thereof then shal or ought to appertaine (so ꝑ the same assent & agrement doe appeare of record in any court of our soveraigne Lady the Queenes Maiesty, her heires or successours) shal stande & be in like force strength, & of like effect, against such person & persons that shal so assent & agre, their heires and successours, as they were befoze the making of this acte, any thinge herein contained

Jurours.

contained to the contrary, in any wise notwithstanding.

¶ We it further enacted by the authoritie aforesaid, that one act made in the xxxij. yere of our late soueraigne Lorde kinge Henry the eight, entituled. An act for the auoiding of recoveries by collusions by tenauntes for terme of life. 4 An. 32. H. 8. cap. 31. shall bee from the first day of July next ensuing repealed: and shal no longer stand in force.

Jurours.

¶ An Acte declaring that the tenant & defendand may haue a tales de circumstantibus, as well as the demaundant or pleintife 14. Eliz.

cap. 9. Jurours 20.

For the auoidinge of great & chargeable delayes oftentimes happening vnto tenants and defendants: We it enacted that in al cases whereas the partie pleintife or demaundant by any statute heretofore made may haue vpon his or their request made vnto the Iustices of Nisi prius, within thys Realme of Englande, or to the Iustices of Oier, or of assises, of h. xij. shires of Wales, & the countie palatines of Lancaster, Chelster, & Durham, a tales de circumstantibus, that in al and every such case & cases, the party & parties, tenauntes, actours, auoswants, & defendants (if the pleintifes or demaundants shal vpon the calling of the principal panell

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or Jury forbear or refuse to pray the same) shall & may vpon his or their request or desire, haue vpon the same recorde, & by h^e same Iustices, the tales or talesles vnto the graunted, in lik, maner, fourme, & degree, to al respects & purposes, as the plaintife or demandant in any suit or action may haue the same by any statute, or ordinance heretofore made or sett forth, and the rather for the speedy triall of the issue and issues ioynded, or hereafter to be ioynded in any place, suit or action: any lawe, custome, or blage heretofore vsed to the contrary thereof in any wise notwithstanding.

It is provided also, & be it further enacted by the authoritie aforesaid, that al populer actions, informations, billes, or suites commenced or had, or hereafter to be commenced or had in any the Quenes Maiesties courtes of recorde, vpon any penal lawes or statutes wherein any person doth, or shall sue, or prosecute, or informe, as wel for the Quenes Maiestie, her heires, and successours: as for him selfe, whereupon issue is or shalbee ioynded to be tryed by the countrey, that therein the partie defendaunt or defendanntes shalbee adnitted to pray and haue a tales de circumstantibus, as in other cases aforesaid.

See touching Jurours de circumstantibus 35. H. 8. cap. 6. Jurours 17. made perpetual 2. Ed. 6. cap. 32. et 4. & 5. P. & M. cap. 7. Jurours 18. et 5. Eliz 6 cap. 25. Jurours 19.

Fradulent conueiances.

An Acte against couenous and Fradulent conueiances 27. Elizabeth Cap. 4.

FOr remedye of which inconueniences, and for the auoiding of fradulent, fained, & couenous conueiaunces, giftes, graunts, charges, vles and estates, and for the maintenaunce of byright and iust dealing in the purchasing of lands, tenements & hereditaments: Be it ordeined & enacted by the authoritie of this p[re]sent parliament, y^e al & euery conueiance, graunt, charge, lease, estate, incumbraunce and limitation of vse of vles, of, in, or out of any lands, tenementes, or other hereditaments whatsoeuer, had or made any time heretofore sithens the beginning of the Quenes maiesties raigne that now is, or at any time hereafter to be had or made, for the intent & of purpose to defraud and deceaue such person or persons, bodies politike or corporate, as haue purchased, or shal afterwarde purchase in fee simple, for taile, for life, liues or yerres, the same lads, tenements & hereditaments, or any part or parcel thereof, so formerly conueied, graunted, leased, charged, incumbred or limited in vse, or to defraude & decetue such as haue, or shal purchase any rent, profite or commoditie, in, or out of the same, or any part thereof, shalbe deemed & taken onely as against that person & persōs, bodies politike & corporate

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his and their heires, successours, executozs, administrators & assignes, & against all and euery other person & persons lawfully hauing or claiming, by, from or vnder them, or any of them which haue purchased, or shall hereafter so purchase for mony or other good consideration the same lands, tenements, or hereditaments, or any part or parcel thereof or any rent, profit or comoditie, in, or out of the same: to bee vtterly void, frustrate and of none effect, any pretence, colour, fained consideration or expressing of any vse or vles, to the contrary notwithstanding.

And bee it further enacted by the auctoritie aforesaid, that al and euery the parties to such fained, conenous and fradulent gifies, grauntes, leases, charges, or conueiances before expressed, or being priuy & knowing of the same, or any of them which after the xx. day of Aprill next comming, shall wittingly and willingly put in vze, auow or maintayne, iustifie or defende the same, or any of them, as true, simple, and done, had, or made bona fide, or vpon good consideration to the disturbance or hinderance of the saide purchaser or purchasers, leasees, or grauntees, or, of, or to the disturbance or hinderance of their heires, successours, executozs, administrators, or assignes, or such as haue, or shall lawfully claime any thing, by, from or vnder them, or any of them: shall incurre the penaltie & forfeiture of one yerer value of the said lands, tenements, and heredi-

Fradulent conueiance.

hereditamēts so purchased or charged. The one moitie whereof to bee to the Queenes Maiestie, her heires and successors, and the other moitie to the partie or parties grieved by such fayned and fradulent gift, graunt, lease, conueyance, incumbraunce, or limitation of vse, to bee recovered in any of the Queenes courtes of Recorde, by actyon of debt, bill, plaint, or information, wherein no esloyn, protection or swager of law, shal be admitted for the defendāt or defendants: and also being thereof lawfully convicted, shall suffer imprisonment for one halfe yere without baile or mainprise.

Provided also and be it enacted by the authoritie aforesaid, that this acte or any thing therein contained, shall not extend or be construed to impeach, defeate, make void, or frustrate any conueyance, assygnement of lease, assuraunce, graunt, charge, lease, estate, interest or limitation of vse or vles, of, in, to, or out of, any landes, tenements or hereditaments heretofore at any tyme had or made, or hereafter to be had or made, bypon or for good consideration and bona fide, to any person or persons, bodies politique or corporate, any thing befoze mencioned, to the contrary hereof notwithstanding.

And be it further enacted by the authoritie aforesaid, that if any person or persons, haue heretofore sithens the beginning of the Queenes Maiesties raigne that nowe is, made, or hereafter shal make, any conueiāce, gift,

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 vles, or assurance so made or had, shall or
 do bargaine, sell, demise, graunt, conuey, or
 charge, the same landes, tenementes, or here-
 ditaments, or any part or parcell thereof, to
 any person or persons, bodies politique or
 corporate, for money or other good conside-
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 charge, or limitation, not by him or them
 reuoked, made boide, or altered, accordinge
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Fraudulent deedes.

saide bargainees, vendees, lessees, grauntees, and euery of them, their heires, successors, executors, administrators and assignes, and against all and euery person and persons, which haue, shall, or may lawfully claime any thing, by, from, or vnder them, or any of them: shal be deemed, taken, and adiudged to be voide, frustrate, and of none effect, by vertue and force of this present acte.

¶ Provided neuertheless, that no lawfull mortgage made or to bee made bona fide, and without fraude or couin, vpon good consideration, shalbee impeached or impayred by force of this acte, but shal stande in the like force & effect, as the same should haue done, if this acte had neuer bene had nor made: any thinge in this acte to the contrarie in any wise notwithstanding.

¶ And be it further enacted by the authoritie aforesaid, that al the whole tenours and contentes of all statutes Marchantes, and statutes of the Staple, hereafter to be knowledged, shal within vij. monethes next after such knowledging, bee entred in the office of the Clarke of Recognisances, taken according to the statute made in the xxiij. yere of the Raigne of the late king Henry the eight, by the shewing forth of the said statute marchant, or statute staple so knowledged vnto the saide Clarke, which sayde Clarke of the Recognisances shal enter, or cause to be entred, the same statutes into a

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booke for that purpose to be provided, and safely kept by him, taking viij. s. and no more for every such entrie.

And be it further enacted, that if the partie to whom any such statute Marchant or of the Staple shalbee knowledged, his executors or administrators, do or shal not within iij. monethes next after the knowledging of any such statute, bring and deliver, or cause to bee brought and delivered vnto the said Clarke or his deputie or deputies, for the time being, all and every such statute & statutes, as shalbe so knowledged to him or to his vse, whereby and to the intent that the said Clarke, his deputie or deputies may take and enter a true copie thereof, that then every such statute Marchant, and of the Staple not so entred, shall be boide, frustrate, and of none effect against all and every such person and persons, and bodie's politike and corporate, their heires successors, executors, administrators, and assignes, onely as shall after the knowledging of the said statutes or any of them purchase for money or other good consideration the landes, tenementes, or hereditamentes, which were liable to the same statute Marchant, or of the Staple, or any part or parcell thereof, or any rent, lease, or profite, of, or out of the same.

This acte to continue for the space of tenne yeares, and from thenceforth vnto the

Fraudulent deedes.

the ende of the Parlyament then next following.

Provided alwayes, that this acte nor any thynge therein conteyned, shal not extende bee construed to make good any purchase, graunt, lease, charge, or profite, of, in, or out of, any lands, tenementes, or hereditamentes heretofore made voide, defeated, or vndone, by reason of anye former conveyance, graunt, or assuraunce, so as the partie or parties, or their heires or assignes, whych haue so defeated or made voide the same, were in actuall possession the fyrst day of thys present Parlyament, of, or in the sayd landes, tenementes, or hereditamentes, whereof, or out of which any such purchase, graunt, lease, charge, or profite was made.

Provided that this act, nor any thynge therein conteined, shall extende in any sort to restraine or impaire the jurisdiction, power, or auctoritie of the Court of Starre chamber.

FINIS.

Imprinted at London
in Fleetestrete, within Tem-
ple Barre, at the Signe of the Hand
and Starre by Richarde
Cottell, Anno
Do. 1587.